

# Confidential Records Policy

## Excerpt from "University of California Policies Applying to Campus Activities, Organizations, and Students"

### 130.70 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM STUDENT RECORDS TO PERSONS OTHER THAN THE STUDENT TO WHOM THE INFORMATION PERTAINS

*(Revised April 25, 2002)*

#### 130.710 Disclosure of Directory Information

##### 130.711

Each campus shall give public notice of the categories of personally identifiable information that have been designated by the campus as directory information. Such categories shall fall within the limitations of the definition of directory information in [Section 130.250](#) and may be disclosed without prior student consent unless a student notifies the campus in writing or via an established electronic procedure that such information shall not be disclosed.

##### 130.712

Students shall be informed at the time they enroll in, or register with, any academic program of the University, and at least annually thereafter, of their right to refuse to permit any or all of the categories of personally identifiable information to be designated as directory information with respect to themselves.

##### 130.713

Students shall notify the campus in writing or via an established electronic procedure of the personally identifiable information related to themselves that is not to be designated as directory information. Within a reasonable time after receipt of notification, information so designated may not be disclosed without the written consent of the student, except as otherwise noted in [Section 130.720](#).

##### 130.714

Students shall be informed of the time period during each academic term in which they must notify the campus of the categories that are not to be designated as directory information with respect to themselves and the effective date of that request.

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#### 130.715 Directory Information About Former Students

Information regarding former students that was designated directory (formerly known as "public") information by their campus at the time they were students may be disclosed without the former students' consent unless their last written notification received by the campus at the time they were students specified that the information with respect to themselves was not to be considered directory information. For students who attended before February 1, 1977, the directory information shall be limited to former students' registration, dates of attendance at the University, degrees granted, and dates on which degrees were conferred.

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#### 130.720 Disclosure of Personally Identifiable Information

##### 130.721 Permissible Disclosures

Except for the disclosure of directory information under conditions specified in [Section 130.711](#), personally identifiable information from student records may not be disclosed without the prior written consent of the student, other than to the following parties and under the following circumstances:

- a. To University officials who have been determined to have legitimate educational interest in the records (see [Sections 130.280 and 130.290](#)). Determinations as to whether the legitimate educational interest requirement is satisfied shall be made by the head administrator of the unit retaining the information, consistent with campus implementing regulations defining legitimate educational interest established by the Chancellor as specified in [Section 130.292](#) of these *Policies*. Campus personnel receiving or utilizing the information shall be responsible for its subsequent disclosure pursuant to the provisions of these policies. This section applies to:

1. Officials at a particular campus of the University.
  2. Officials in the Office of the President and the Office of the General Counsel and Vice President for Legal Affairs.
  3. Officials at other campuses of the University, in connection with the administration of joint programs or activities.
  4. Officials at other campuses of the University or other institutions, if a student is concurrently enrolled in, or concurrently receives services from one campus of the University and from another institution, or from two campuses of the University. This provision includes institutions participating in Education Abroad Programs.
  5. Officials at other campuses of the University for the purposes of facilitating: a) the enrollment of a student seeking to attend a summer session program at another campus; b) the reporting of academic achievement in the summer coursework once completed; or c) other administrative needs related to summer session programs, such as, but not limited to, student disciplinary matters as specified in Section 104.30 of these *Policies*.
  6. The Chancellor, or the Chancellor's designees, of the campus at which the individual is a student, in connection with disclosures arising from disciplinary procedures of another University of California campus, as specified in Section 104.30 of these *Policies*.
- b. To authorized Federal and State officials in connection with the audit and evaluation of Federally and State supported education programs, or in connection with the enforcement of Federal or State laws which relate to such programs.
  - c. In connection with financial aid for which a student has applied or which a student has received, only as may be necessary:
    1. To determine the eligibility of the student for financial aid;
    2. To determine the amount of the financial aid,
    3. To determine the conditions which will be imposed regarding the financial aid; or
    4. To enforce the terms or conditions of the financial aid.

Such information shall be disclosed to donors only if the conditions of the gift or award expressly require that the information be disclosed.
  - d. To State and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.
  - e. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students and/or their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.
  - f. To accrediting organizations in order to carry out their accrediting functions.
  - g. To comply with a judicial order or subpoena. A reasonable effort shall be made to notify the student in advance of the disclosure of the record unless responding to a grand jury or other subpoena that specifies that the student not be informed of the subpoena.
  - h. To appropriate parties, including to other institutions, in connection with an emergency when the information is necessary to protect the health or safety of the student or other persons. Factors to be considered when making a decision to release information in emergencies may include: 1) the severity of the threat to the health and safety of those involved; 2) the need for the information; 3) the time required to deal with the emergency; and 4) the ability of the parties to whom the information is to be given to deal with the emergency.
  - i. To students requesting their own records. With the exception of information from records specified in Section 130.420, campuses must disclose student records or components thereof without written consent to students who request information from their own records.
  - j. To the alleged victim of an alleged forcible or nonforcible sex offense, as defined in 34 CFR 668.46(c)(7). The scope of the information to be provided is: 1) the University's final determination with respect to the alleged sex offense, and 2) any sanction that is imposed against the alleged offender. The alleged victim shall keep the information provided to him or her confidential, as described in Section 130.722.

### **130.722 Redisdisclosure of Personally Identifiable Information**

Any disclosure of personally identifiable information which is permitted under these policies must meet the following requirements:

- a. The recipient of the information must be informed that the information may not be further disclosed without written consent of the student. Any consent form obtained from the student must be maintained in the student's file.
- b. The recipient (including the officers, employees, and agents of the party of the recipient) may use the information only for the express purposes for which the disclosure was made.

These requirements do not apply to disclosures made pursuant to court orders or to lawfully issued subpoenas or to disclosures to a student under Section 130.40, Section 130.721(i), or to disclosures of directory information under Section 130.711.

### **130.723 Requests to Forward Academic Records**

University of California campuses may forward appropriate student records, including academic records, disciplinary records, and other student records, to other educational institutions in which a student seeks or intends to enroll, or is currently enrolled. The campus will provide annual notification of this disclosure policy, or else a reasonable attempt will be made to provide notification to individual students about whom information is disclosed.

When students request that their academic records be forwarded to other institutions, students may be required to pay all fees and charges due the University before the records are forwarded.