



Summaries of Privacy Regulations and Implications for Mount Holyoke College

FERPA (Family Educational Rights and Privacy Act of 1974)

FERPA (also known as the Buckley amendment) identifies students' rights with respect to their educational records, including the rights to inspect and review records, to request amendments to the records, to consent to disclosure and to file a complaint with the US Department of Education concerning alleged failure to comply. FERPA permits disclosure without consent for (among other things) directory information, to school officials with legitimate educational interests, when a subpoena has been issued ordering the release, in emergency situations, and to parents if the student has been claimed as a dependent on the most recent Federal income tax form. FERPA covers student employment records but does not cover medical or criminal records. FERPA does not apply unless the student is in attendance at the institution.

The College defines what it considers to be directory information (consistent with FERPA regulations) in the Student Handbook. Both hard copy and electronic forms of notification are permitted and the College will make use of them when appropriate.

A student's identification number may be directory information, unless it is a social security number. A student identification number may be used internally, externally on a business need basis (e.g., student loan collections services) and when the student has permitted its release. Student identification numbers should not be used for purposes other than identification.

Regarding disclosure to parents, FERPA makes a distinction between dependent students, where disclosure without consent is generally permitted, and non-dependent students, where disclosure without consent is generally prohibited, except in emergency situations. The College has in the past treated all students as not dependent. Going forward we will continue to treat Frances Perkins Scholars and graduate students as not dependent, but will presume that other undergraduate students are dependent. It will be the responsibility of such students to demonstrate non-dependence, either through a signed affidavit or a copy of the parents' tax returns indicating that they are not declared as a dependent for tax purposes. In this context, issues of dependence and non-dependence are defined strictly for FERPA purposes and do not necessarily correspond with how the student is treated for financial aid purposes. The College may use the resulting ability to contact parents for issues like academic probation, financial issues, substance abuse, behavioral problems, etc. It is not the College's intention to send grades to parents or otherwise to be in routine contact.

Gramm-Leach-Bliley (Financial Services Modernization Act of 1999)

The Gramm-Leach-Bliley (GLB) Act requires financial institutions to ensure the security and confidentiality of customer records and information. Customer information includes any record containing non-public personal information about a customer in paper, electronic or other form that is handled or maintained by or on behalf of a financial institution. The College is considered a financial institution for purposes of GLB because we loan money to students and employees.

Colleges and universities are deemed compliant with the GLB privacy provisions for students if they are in compliance with FERPA. Similar privacy provisions are required for employees. In addition, GLB provides that this information must be adequately safeguarded by insuring security and confidentiality of the information; protecting against anticipated threats or hazards to the security or integrity of the information; and protecting against unauthorized access to or use of the information.

Because the College has other relationships with all persons with whom there is a lender/borrower connection, we will focus our safeguarding efforts on protecting information that can be used for identity theft (birth dates, SSN's, etc.) and all records of the loan transaction itself, including any financial information collected in the course of the loan transaction.

FACTA (Fair and Accurate Credit Transaction Act of 2005)

FACTA is designed to reduce the risk of consumer fraud and identity theft by defining appropriate methods of disposing of consumer information received from credit reporting agencies. FACTA applies to any individual or institution that possesses such information and requires that they "properly dispose of such information by taking reasonable measures to protect against unauthorized access to or use of the information in connection with its disposal", whether hard copy or electronic, including information resident on hard disk drives of computers being discarded. Information obtained by College employees in the course of their jobs and through their own investigations is not subject to FACTA.

Compliance with this legislation requires that paper materials containing consumer information be burned, pulverized or shredded, either on site or by entering into an agreement with a firm engaged in the business of records destruction.

**THE Campus Privacy and
Security Committee
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