



I. POLICY STATEMENT

Texas Southern University (“University”) is committed to protecting the privacy of student education records in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations set forth in 34 C.F.R. Part 99. The University shall ensure that student education records are accessed, used, maintained, and disclosed only as permitted by applicable law.

II. PURPOSE AND SCOPE

This policy establishes standards governing the access, use, disclosure, and protection of student education records.

This policy applies to all University employees, faculty, staff, officials, agents, and third-party service providers who access, maintain, or handle student education records, as well as all systems and records in which such information is stored.

III. DEFINITIONS

- A. **Education Records:** Records that are directly related to a student; and maintained by the University or a party acting on its behalf. (34 C.F.R. § 99.3)
- B. **Personally Identifiable Information (PII):** Includes, but is not limited to:
 - a. Student name
 - b. Address
 - c. Phone number
 - d. Personal identifiers (e.g., SSN, student ID)
 - e. Indirect identifiers (e.g., date/place of birth)
 - f. Information that alone or in combination is linkable to a student
- C. **Eligible Student:** A student who has reached age 18 or attends a postsecondary institution at any age.
- D. **School Official:** A person employed by the University or a contractor, consultant, volunteer, or other party to whom the University has outsourced institutional services or functions, provided that the party:
 - 1. Performs an institutional service for which the University would otherwise use employees;
 - 2. Is under the direct control of the University with respect to the use and maintenance of education records,
 - 3. Is subject to FERPA use and redisclosure limitations. (34 C.F.R. § 99.31(a)(1)(i)(B))
- E. **Legitimate Educational Interest:** A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities.

IV. POLICY PROVISIONS

A. Protection of Education Records

The University shall treat all personally identifiable information (PII) from education records as protected data. Such information may be accessed, used, or disclosed only in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations at 34 C.F.R. Part 99. Access to education records shall be limited to University officials with a legitimate educational interest or as otherwise permitted or required by law.

The University shall ensure that any disclosure of education records to third-party vendors occurs only where such vendors qualify as school officials under FERPA, are under the direct control of the University with respect to the use and maintenance of education records, and are prohibited from unauthorized redisclosure.

The University is committed to ensuring the security, confidentiality, and integrity of all education records maintained within its systems or transmitted to authorized parties.

B. Student Rights Under FERPA

Eligible students have the right to:

1. Inspect and review education records within 45 days of request (34 C.F.R. § 99.10)
2. Request amendment of inaccurate or misleading records (34 C.F.R. § 99.20)
3. Provide written consent before disclosure of PII, except where FERPA permits disclosure without consent (34 C.F.R. § 99.30)
4. File a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA

C. Access to Education Records

Access to education records is limited to:

1. School officials with a legitimate educational interest
2. The student (eligible student)
3. Other parties as permitted under FERPA

The University shall maintain access controls and audit logs to ensure compliance with FERPA.

D. Disclosure of Education Records

- 1. General Rule:** The University shall not disclose PII from education records without prior written consent of the student, except as permitted under FERPA.

2. Disclosures Without Consent (34 C.F.R. § 99.31): The University may disclose PII without consent under the following conditions:

- a. To school officials with legitimate educational interest
- b. To another school where the student seeks or intends to enroll
- c. To authorized representatives of federal, state, or local educational authorities
- d. In connection with financial aid.
- e. To organizations conducting studies on behalf of the University.
- f. To accrediting organizations
- g. To comply with a judicial order or lawfully issued subpoena, after a general notification is made regarding the subpoena or without consent if the order or subpoena is classified as “no notice.”
- h. In a health or safety emergency
- i. As directory information (if properly designated and not opted out)

3. Texas Public Information Act (TPIA) Education records are confidential and exempt from disclosure under the Texas Public Information Act (TPIA) to the extent the records are protected by FERPA.

4. Directory Information: The University may designate certain information as directory information, which may be disclosed without consent unless the student opts out. The University shall publish annually:

- a. Categories of directory information
- b. Procedures for opting out

5. Record of Disclosures: The University shall maintain a record of disclosures of PII as required by 34 C.F.R. § 99.32, except where exemptions apply.

E. Written Consent to release FERPA-protected information requires:

1. Specify the records to be disclosed
2. State the purpose of disclosure
3. Identify the recipient(s)
4. Be signed and dated by the student

Electronic consent is permitted if it meets FERPA requirements. A FERPA release form is available through the Office of the Registrar.

F. Third-Party Vendors (“School Officials”)

1. The University may disclose PII to third-party vendors only if:
 - a. The vendor qualifies as a school official
 - b. The vendor is under the direct control of the University
 - c. The vendor uses the data only for authorized purposes
 - d. The vendor does not redisclose information except as permitted

2. All vendor agreements must include:
 - a. FERPA compliance clauses
 - b. Data security requirements
 - c. Breach notification obligations

G. Redisclosure Restrictions: Recipients of PII from education records may not redisclose information except as permitted by FERPA (34 C.F.R. § 99.33).

H. Data Security and Integrity: The University shall implement appropriate administrative, technical, and physical safeguards to ensure the confidentiality, integrity, and availability of education records and to protect against unauthorized access, use, or disclosure.

I. Training and Compliance: The University shall:

1. Provide annual FERPA training to employees with access to education records
2. Maintain documentation of training completion
3. Enforce disciplinary measures for violations

J. Parental Access: Under FERPA, rights to education records transfer to the student at the postsecondary level. Accordingly, the University may, at its discretion, disclose education records to a parent only where the student is claimed as a dependent for federal income tax purposes, as defined by Section 152 of the Internal Revenue Code. The University reserves the right to require documentation of dependency and to limit disclosures to those records deemed appropriate under the circumstances.

To request access, a parent must submit a written request and provide proof of dependency, such as a federal income tax document demonstrating that the student is claimed as a dependent. The University reserves the right to deny such requests where appropriate, including circumstances involving student safety or conflict. Nothing in this provision grants parents independent FERPA rights equivalent to those of the student.

MAPP 06.02.08 **Family Educational Rights and Privacy Act (FERPA)**
Section **Academic Affairs**
Area **Compliance**
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TEXAS SOUTHERN UNIVERSITY
**MANUAL OF ADMINISTRATIVE
POLICIES AND PROCEDURES**

K. Complaints: Students who believe their rights under FERPA have been violated may file a complaint with the U.S. Department of Education, Student Privacy Policy Office (SPPO), at the following address:

U.S. Department of Education
Student Privacy Policy Office (SPPO)
400 Maryland Avenue, SW
Washington, DC 20202

L. Enforcement and Sanctions: Violation of this policy may result in disciplinary action pursuant to University policy (MAPP 02.05.03 – Discipline and Termination Policy), including legal consequences under applicable law.