

**From:** [Need To Know](#)  
**Bcc:** [All Students Dynamic Grp](#); [Cartledge, Ernest](#); [Duggan, Victoria A](#); [Davidson, Maria T](#); [Racek, Emmilee](#); [Trigo, Rosa](#)  
**Subject:** Your Privacy Rights under the Family Educational Rights and Privacy Act (FERPA)  
**Date:** Tuesday, February 12, 2019 12:24:54 PM  
**Attachments:** [2019-02-12 FERPA Disclosure to Students with GDPR statement.pdf](#)

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Memorandum

Office of Compliance, Risk, and Ethics

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**To:** Montgomery College Students

**From:** Ernest Cartledge, Director of Enrollment Services and College Registrar  
Vicki Duggan, Chief Compliance, Risk and Ethics Officer

**Subject:** **Your Privacy Rights under the Family Educational Rights and Privacy Act (FERPA)**

**Date:** February 12, 2019

FERPA affords eligible students certain rights with respect to their education records. For more information, [check out this link](#). (An “eligible student” under FERPA is a student who is 18 years of age or older OR who attends a postsecondary institution.) As an eligible student, your rights include:

- The right to inspect and review your education records within 45 days after the day Montgomery College receives a request for access. You should submit to the college registrar, dean, department chair, or other appropriate official, a written request that identifies the record(s) you wish to inspect. The College official will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise you of the correct official to whom the request should be addressed.
- The right to request the amendment of your education records that you believe inaccurate, misleading, or otherwise in violation of your privacy rights under FERPA. A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record you want changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify you in writing of the decision and your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.
- The right to provide written consent before the College discloses personally identifiable information (PII) from your education records, except to the extent that FERPA authorizes disclosure without consent. The College discloses education records without a student’s prior written consent under the FERPA exception for disclosure to College officials with legitimate educational interests. A College official is a person employed by Montgomery College in an administrative, supervisory, academic, research, or support staff position; a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A College official also may include a volunteer or contractor outside of the College who performs an institutional service or function for which

the College would otherwise use its own employees and who is under the direct control of the College with respect to the use and maintenance of personally identifiable information from educational records, such as attorney, auditor, or collection agent or a student volunteering to assist another College official in performing his or her tasks.

- A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Montgomery College. Upon request, the College may also disclose education records without consent to officials of another school in which you are seeking or intend to enroll.

As a student, you have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Montgomery College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW Washington, DC 20202

See the list below of the disclosures that the College may also make without your consent:

- FERPA permits the disclosure of PII from your educational records, without your consent, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to College officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to you, the student, §99.32 of FERPA regulations requires the institution to record the disclosure. You have a right to inspect and review the record of disclosures. Montgomery College may disclose PII from the education records without obtaining prior written consent from you.
- To other College officials, including faculty, within Montgomery College whom the College has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the College has outsourced institutional services or functions.
- To officials of another school where you are seeking or intend to enroll, or where you are already enrolled if the disclosure is for purposes related to your enrollment or transfer.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the College's State- supported education programs. Disclosures under this provision may be made, subject to the requirements of the law, in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. Please note: As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and PII contained in such records—including your social security number, grades, or other private information—may be accessed without your consent.
  - First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party

designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.

- Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when the College objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the authorities need not maintain direct control over such entities.
- In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.
- In connection with financial aid for which you have applied or which you received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- To organizations conducting studies for, or on behalf of, the College, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To your parents if you are a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency.
- Information the school has designated as "directory information".
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- To the general public, the final results of a disciplinary proceeding if the school determines you are an alleged perpetrator of a crime of violence or non-forcible sex offense and you have committed a violation of the school's rules or policies with respect to the allegation made against you.
- To your parents regarding your violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the College determines that you committed a disciplinary violation and

you are under the age of 21.

#### Directory Information Public Notice

Directory Information has been designated by the College to include the following information, which would not be generally considered harmful to you, the student, or an invasion of privacy, if disclosed:

1. Student's name,
2. High school attended,
3. Major field of study (including current classification, year, credit load, and number of academic credits earned toward degree),
4. Dates of attendance,
5. Degrees and awards received (type of degree and date granted),
6. Participation in officially recognized activities and sports, and
7. Photograph, weight and height of members of athletic teams.

The following information will not be disclosed, but may be verified:

1. Address,
2. E-mail address,
3. Telephone listing, and
4. Date of birth.

For more information:

View the College's [official Policy and Procedure 41003](#) on "Student Cumulative Records" regarding the handling of educational records.

Send specific questions regarding FERPA compliance to [FERPA@montgomerycollege.edu](mailto:FERPA@montgomerycollege.edu).

#### Students from the European Union - General Data Protection Regulation

The General Data Protection Regulation (GDPR) went into effect May 25, 2018. The GDPR was written to expand personal privacy rights for European Union (EU) residents. The rule:

- Applies to all organizations that possess personal data provided by people while they are residing, permanently or temporarily, in the EU.
- Defines data broadly: any data that can be used to identify an individual such as genetic, mental, cultural, economic, technological or social information.
- Requires valid consent to collect personal data: consent must be informed, unambiguous, freely given.

For more information on the regulation and Montgomery College's compliance, please visit <https://www.montgomerycollege.edu/policies-and-procedures/gdpr-interim-statement.html>.