

University of California, Berkeley
Policy Issued: December 1, 2004
Policy Revised: July 17, 2008 (see end for details)
Effective Date: December 1, 2004
**Supersedes: Campus Policy Governing Disclosure
of Information from Student Records, February 1, 1994**



Disclosure of Information from Student Records

Current Responsible Executive: Harry LeGrande
Vice Chancellor-Student Affairs

Original Responsible Executive: Genaro Padilla
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Policy Summary

The University of California, Berkeley is guided by the federal [Family Educational Rights and Privacy Act](#) (FERPA) and University policy when disclosing information from student records, and will protect students' right of privacy as guaranteed by the Constitution of the State of California and the California Information Practices Act. Where the laws are silent, UC Berkeley will be guided by two principles: (1) the privacy of an individual is of great weight, and (2) the information UC Berkeley maintains about a student should be disclosed to the student upon request.

Who Is Affected by This Policy

- Students

Who Administers This Policy

- The Office of the Registrar, Student Affairs Officers, Graduate and Undergraduate Advisors

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Why We Have This Policy

Disclosure of student records is regulated by the federal Family Educational Rights and Privacy Act (hereafter FERPA), various state laws, and the Office of the President's Policies Applying to the Disclosure of Information from Student Records dated April 25, 2002. This policy is a revision of the February 1, 1994 Campus Policy Governing Disclosure of Information from Student Records and provides the campus with an up-to-date, unified interpretation of those regulations. Changes to the 1994 policy include:

- The campus has 45 days (instead of 20) to provide students access to their student records.
- Student information may be disclosed to officials of other UC campuses under certain circumstances.
- Student information may be disclosed to students requesting their own records.
- The campus may forward disciplinary records to other educational institutions in which the student seeks to enroll.
- Redislosure requirements do not apply to disclosures made pursuant to court orders or subpoenas.
- Health and Safety Protocols have been added as an appendix, along with factors to consider when deciding whether or not to release student information based on health and safety.
- The term "directory information" is used instead of "public information."
- Some terms previously undefined now have definitions.
- The terms "Campus or University Official" and "Legitimate Educational Interest" are more clearly defined.
- Filing fee status has been added to the definition of "student."
- Records maintained by the Office of the President have been added to the definition of "student records."
- Class level and enrollment status have been added to the definition of "directory information."
- The campus no longer has to disclose where student records policies are located or provide copies of those policies on demand.
- The Office of the Registrar no longer has to maintain for public inspection a list of the types and locations of student records and a list of the titles and addresses of the officials responsible for those records.
- Under certain circumstances, the campus may reveal to others besides those responsible for the maintenance of student records whether a student has waived the right of access to certain confidential records.

This policy applies only to records directly related to students as students, hereafter referred to as "student records" and defined in the [Glossary](#) section of this policy. This policy is not applicable to other records maintained for purposes unrelated to a student's status as a student. Specific categories of such records are also defined in the [Glossary](#).

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The disclosure of information from such records is governed by the [California Information Practices Act](#).

For the purposes of implementing the provisions of FERPA, the University is viewed as 13 separate institutions rather than as a single entity. Therefore, the policy contained herein is **applicable to UC Berkeley only** and might not apply to the rest of the University of California. Personally identifiable information contained in student records maintained by one campus may not be disclosed to the other campuses without the written consent of the student, unless the disclosure is consistent with the provisions of this policy. Such information may be disclosed by any campus to the University of California Office of the President as permitted in the [Procedures](#) section of this policy.

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Responsibilities

Office of the Registrar:

- Notifies students annually of their rights under this policy.
- Permits the inspection and review of student records in its possession in accordance with the [procedures](#) below.
- Determines whether each University official claiming to have a “legitimate educational interest,” as defined in the [Glossary](#) below, should be granted access to student records containing “personally identifiable information” as defined in the [Glossary](#) below.
- Maintains records of who had requested or obtained each student’s “personally identifiable information” as defined in the [Glossary](#) below.
- Corrects student records when warranted
- Holds hearings when students grieve the denial of a request to change their record.

Other campus units holding student records:

- Permit the inspection and review of student records in their possession in accordance with the [procedures](#) below.
- Determine whether each University official claiming to have a “legitimate educational interest,” as defined in the [Glossary](#) below, should be granted access to student records containing “personally identifiable information” as defined in the [Glossary](#) below.
- Maintain records of who had requested or obtained each student’s “personally identifiable information” as defined in the [Glossary](#) below.
- Correct student records when warranted.
- Hold hearings when students grieve the denial of a request to change their record.

Students:

- Decide whether to refuse disclosure of “[directory information](#),” formerly known as “public information” and defined in the [Glossary](#) below, and to notify the appropriate campus officials in an appropriate manner if they do not want directory information disclosed.
- Decide whether to permit disclosure of “personally identifiable information,” as defined in the [Glossary](#) below, and to notify the appropriate campus officials in an appropriate manner if they want personally identifiable information disclosed.

Recipients of Student Records:

- May not re-disclose the information without the written consent of the student or use the information for any purpose other than that for which it was originally obtained.

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Procedures

I. ANNUAL NOTIFICATION OF RIGHTS

Students enrolled or registered at UC Berkeley shall be informed annually of their rights under this policy and under FERPA by such means and at such times as are reasonably likely to inform them of those rights.

A. Notification Mechanism

Such notification shall include publication of a statement in *The Daily Californian* or other appropriate official campus publications in a manner that will provide students with clear and specific information regarding their rights.

The notification shall include a statement that the student has a right to:

1. Inspect and review the student's own records;
2. Request correction of the student's own records;
3. Grieve an alleged violation of privacy rights;
4. Have personally identifiable information contained in student records not be disclosed without signed and dated written consent that specifically identifies: (a) the records to be disclosed, (b) the purpose of the disclosure, and (c) the party or class to whom disclosures are to be made. Consent is not required for those disclosures authorized by Sections [V.A](#) and [V.C.1.j](#) below;
5. File with the United States Department of Education a complaint concerning alleged failures by the campus to comply with the requirements of the Federal Family Educational Rights and Privacy Act.

B. Unit Policies

Such notification shall also include the notification requirement of campus units holding student records. Each unit shall establish written procedures for the implementation of this policy and shall inform students of the following:

1. Procedures established by the unit for granting student access to their student records;
2. Policies for reviewing and correcting these records;
3. Procedures (including those set forth in [Section VII](#) below) for challenging the content of these records;

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4. Cost, if any, that will be charged for producing copies of records;
5. Categories of information the unit makes available as directory information. Students shall be informed of the right to protect all categories of personally identifiable information except as provided in [Section V](#) below.

II. INSPECTION AND REVIEW OF STUDENT RECORDS BY STUDENTS

A. Student Access

With the exception of the records listed in [Section II.B](#) below, students shall be permitted to inspect and review their student records within a reasonable period of time, but in no case longer than 45 calendar days after receipt of the student's request.

1. Student access to records shall follow procedures established for granting requests under this policy by the unit having primary custody of the requested records.
2. Students shall be entitled to a response to reasonable requests for explanations and interpretations of the records. The response need only inform students of what the record contains, and not why the records exist or why specific information is included in the records. If a student believes that a record is inaccurate or misleading, procedures for seeking the correction of the record can be found in [Section VII](#) below.
3. UC Berkeley shall comply with written requests from students for copies of their records when failure to provide copies would effectively prevent them from exercising the right to inspect and review their student records. For example, UC Berkeley shall provide copies of a student's record if the student does not live within commuting distance of the campus.
4. Units may charge reasonable fees for providing copies of student records unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's own records. No charge may be made to search for or to retrieve any student record. A schedule of fees to be charged for copies of student records shall be included in unit implementing regulations. Such fees shall be limited to the actual cost of providing the copies of the records requested.
5. Student records shall not be destroyed if there is an outstanding request to inspect and review them (see also [Section VI.B](#) below). If there is no request pending, the records may be destroyed pursuant to unit-specific or [University Records Disposition Schedules Manual](#) requirements.

B. Records Exempt from Inspection and Review by Students

Pursuant to FERPA, the following student records are not subject to inspection and review by students:

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1. Financial records and statements of the student's parents or guardians or any information contained therein. Information from the Parents' Confidential Statement, or equivalent information, may be disclosed to the student on condition that the proper authorization has been signed by the parent(s) or guardian(s).
2. Confidential letters and statements of recommendation that were placed in a student's records prior to January 1, 1975, provided that the letters and statements are used only for the purposes for which they were specifically intended.
3. Confidential letters and statements of recommendation that were placed in a student's records after January 1, 1975, with regard to admission, application for employment, or the receipt of an honor, if the student has waived the right to inspect and review those recommendations (see also [Section IV](#) below).
4. Records containing personally identifiable information about other students. If student records contain information on more than one student, students may inspect and review or be informed of only the specific information that pertains to themselves, except as specified in [Section V.C.1.j](#) below.

C. Parental and Spousal Requests for Information

1. UC Berkeley assigns privacy rights to all enrolled students, regardless of age. Parents have no inherent rights to inspect a student's records. Confidential information may be released to parents only with written authorization of the student.
2. In the absence of written authorization for release by the student, or a court order, confidential information may not be released to a spouse.

**III..INSPECTION AND REVIEW OF ADMISSIONS RECORDS BY
APPLICANTS**

Privacy of and access to admissions records of applicants who do not subsequently become students are not covered by this policy, but are subject to the policies and procedures found in campus guidelines and/or regulations, the [University Records Disposition Schedules Manual](#), and the [California Information Practices Act](#). Information about those policies and procedures may be obtained from the Campus Information Practices Coordinator in 200 California Hall.

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**IV. WAIVERS OF ACCESS RIGHTS TO STUDENT RECORDS BY STUDENTS
AND LIMITATIONS ON SUCH WAIVERS**

Subject to the limitations in this Section and in [Section II.B.3](#) above, students may waive, or may be requested to waive, their right of access to confidential recommendations or evaluations regarding admission, application for employment, or the receipt of an honor or award.

Such waivers must be voluntary, and may not be required as a condition for admission to the University or the receipt of any other service or benefit from the University. Any waiver must be in writing and signed by the student. Students may waive their rights to inspect and review either individual documents or classes of documents (e.g., part or all of an admission or career placement file).

Students shall be notified upon request of the names of all individuals providing confidential letters and statements of recommendation to which they have waived their right of access.

Such recommendations retain their confidentiality only if they are used for the purpose for which they were originally intended. If used for other purposes, the waivers are void and the documents may be inspected by students.

Students may not be required to sign a form saying they have not waived access to any confidential recommendation.

Waivers may be revoked in writing with respect to records obtained or received subsequent to the revocation. Such revocations shall not affect a student's access to records obtained or received prior to such written notice of revocation.

**V. DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM
STUDENT RECORDS TO PERSONS OTHER THAN THE STUDENT TO
WHOM THE INFORMATION PERTAINS**

A. Disclosure of Directory Information

UC Berkeley shall give public notice of the categories of personally identifiable information that have been designated by UC Berkeley as directory information. Such categories shall fall within the limitations of the definition of directory information in the [Glossary](#) below and may be disclosed without prior student consent unless a student notifies UC Berkeley in writing or via an established electronic procedure that such information shall not be disclosed. In addition, the following information is available for public inspection: the registration documents of sponsored and registered student organizations that contain the names and addresses of the officers and the statement of purpose of the organization. These documents are available in the Office of Student Life.

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Students shall be informed at the time they enroll in, or register with, any academic program of UC Berkeley, 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.

Students shall notify each relevant campus unit in writing or via an established electronic procedure of the personally identifiable information related to them 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 V.C](#) below.

B. Directory Information about Former Students

Information regarding former students that was designated [directory information](#) by UC Berkeley at the time they were students may be disclosed without the former students' consent unless their last written notification received by UC Berkeley at the time they were students specified that the information 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 status, dates of attendance at UC Berkeley, degrees granted, and dates on which degrees were conferred.

C. Disclosure of Personally Identifiable Information

1. Permissible Disclosures

Except for the disclosure of [directory information](#) under conditions specified in [Section V.A](#) above, 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 [Glossary](#) below for definitions of these terms). 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 UC Berkeley implementing regulations defining Legitimate Educational Interest established by the Chancellor as specified in the [Glossary](#) below. UC Berkeley personnel receiving or utilizing the information shall be responsible for its subsequent disclosure pursuant to the provisions of this policy. This section applies to:
 1. Officials at the UC Berkeley campus;
 2. Officials in the Office of the President and the Office of the General Counsel and Vice President for Legal Affairs;

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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](#), Administration of Student Discipline of the *University Policies Applying to Campus Activities, Organizations, and Students*.
 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](#), Administration of Student Discipline of the *University Policies Applying to Campus Activities, Organizations, and Students*.
- 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 that 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.

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- 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 that 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.

Release pursuant to this subsection may be made only after approval by the Registrar, the appropriate vice chancellor, provost, or dean of the Graduate Division, after due consideration of the nature of the agency or institution, the importance of the proposed study, and the feasibility of obtaining prior student consent.

- 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. (The campus *Protocols for Responding to Health and Safety Emergencies* can be found in [Appendix A](#).)
- i. To students requesting their own records. With the exception of information from records specified in [Section II.B](#), UC Berkeley must disclose student records or components thereof without written consent to students who request information from their own records.

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- j. To the alleged victim of an alleged forcible or nonforcible sex offense, as defined in the [Code of Federal Regulations, Title 34, Part 668.46\(c\)\(7\)](#). The scope of the information to be provided is: (1) UC Berkeley's final determination with respect to the alleged sex offense, and (2) any sanction imposed against the alleged offender. The alleged victim shall keep the information provided to him or her confidential, as described in [Section V.C.2](#) below.

2. *Redisclosure of Personally Identifiable Information*

Any disclosure of personally identifiable information under this policy 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 V.C.1.j](#), or to disclosures of directory information under [Section V.A](#).

3. *Requests to Forward Academic Records*

UC Berkeley 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. UC Berkeley 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 to UC Berkeley before the records are forwarded.

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**VI. RECORD-KEEPING REQUIREMENTS REGARDING REQUESTS FOR
AND DISCLOSURE OF INFORMATION**

A. Records Maintenance

1. Each unit holding student records shall maintain records, kept with the individual's student records, that indicate:
 - a. The parties that have requested or obtained personally identifiable information from student records;
 - b. The legitimate interest these parties had in requesting or obtaining the information; and
 - c. The date of the requests for the information and the dates of the disclosure of the records.
2. A record of disclosures is not required for:
 - a. Disclosures to students of their own records;
 - b. Disclosures pursuant to the written consent of a student, when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
 - c. Disclosures to campus officials under [Section V.C.1.a](#) above;
 - d. Disclosures of directory information; or
 - e. Disclosure made pursuant to court order or subpoena, provided the student has been notified in advance of compliance with the order or subpoena in accordance with [Section V.C.1.g](#) of this policy.
3. The record of disclosures may be inspected:
 - a. By the student;
 - b. By UC Berkeley officials and their assistants responsible for the custody of the records; or
 - c. For the purpose of auditing the record-keeping procedures of UC Berkeley, by the parties authorized in, and under the conditions set forth in [Sections V.C.1.a](#) and [V.C.1.b](#) above.

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B. Records Disposition

Student records are subject to mandatory disposition schedules contained in the [*University Records Disposition Schedules Manual*](#), with the following exceptions:

1. Student records shall be retained if there is an outstanding request to inspect and review them (see also [Section II.A.5](#));
2. Explanations placed in the student record of an individual seeking to correct the record shall be retained as long as the contested portion of the record is retained; and
3. The record of access shall be retained as long as the student record to which it relates is maintained.

VII. CORRECTION OF STUDENT RECORDS

A. Requests for Correction of Records

Students shall be entitled to a response to reasonable requests for explanations and interpretations of the records as specified in [Section II.A.2](#) of this policy. If they believe information contained in their student records is inaccurate or misleading, or otherwise in violation of their right of privacy as provided in this policy, they may request of the unit responsible for maintaining the records that their records be corrected. If their request is granted, the records shall be corrected within a reasonable period of time following receipt of the request. If their request is denied, they shall be informed of the refusal and advised of their right to a hearing.

B. Requests for Correction of Grades Given in a Course of Study

Grades given in a course of study, including written evaluations that reflect institutional judgments of the quality of a student's academic performance in a course of study, are not subject to challenge under this Section. Students are to use [Regulation A207](#) of the Berkeley Division of the Academic Senate for complaints that grades in courses of instruction are based on the application of non-academic criteria.

C. Hearings

Any hearing regarding information in a student record shall be preceded by preliminary attempts to settle disputes through informal meetings and discussions with appropriate unit officials. Where such informal attempts are unsuccessful, a hearing shall be held, on the request of the student, pursuant to procedures established by each unit holding student records as provided in [Section IX](#) below. Such procedures shall include at least the following elements:

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1. The hearing shall be held within a reasonable period of time after it has been requested, and the student shall be notified of the date, place, and time reasonably in advance of the hearing;
2. The hearing shall be conducted by a hearing officer with no direct interest in the outcome of the hearing. The hearing officer may be a campus administrator;
3. Students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under [Section VII.A](#) above, and may be assisted or represented by individuals of their choice, at their own expense. If students wish to be represented by their personal counsel or other representative, students must notify the unit in writing at least ten days prior to the date of the hearing.
4. The decision rendered shall be made in writing within a reasonable period of time after the conclusion of the hearing; and
5. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

D. Hearing Outcomes

If, as a result of the hearing, UC Berkeley officials decide that the information in question is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the record shall be corrected accordingly and the student informed in writing of the action taken.

If, as a result of the hearing, the unit decides that the information in question is not inaccurate or misleading, or otherwise in violation of the privacy rights of the student, the student shall be informed of his or her right to insert into the record a statement commenting upon the information in the record and/or setting forth reasons for disagreeing with the decision to leave the record unchanged. This statement shall remain a permanent part of the record as long as the contested portion remains a part of the record, and it shall be revealed to any party to whom the contested portion is revealed.

E. Records Concerning Disciplinary Action

Whenever information is included in any student record concerning any disciplinary action taken by the unit in connection with the student, the student shall be allowed to include in the record a written statement or response concerning the disciplinary action. A student may not request a change in the underlying disciplinary decision through this process.

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VIII. GRIEVANCES

Any alleged violation of privacy rights as provided by this policy, other than those rights specified in [Section VII](#) above relating to the content of student records, may be grieved pursuant to [Section 111.10](#) of the *University Policies Applying to Campus Activities, Organizations, and Students* and the [Berkeley Campus Student Grievance Procedure](#).

IX. COMPLAINTS

Complaints regarding alleged violations of the rights accorded in this policy should first be directed to the head of the unit maintaining the records in question. Subsequent formal complaints alleging violations of privacy rights, other than those relating to the content of student records, may be processed under the procedures contained in [Section 110.00](#) of the *University Policies Applying to Campus Activities, Organizations, and Students* and the [Berkeley Campus Student Grievance Procedure](#). Written complaints are to be filed with the Chancellor's representative (200 California Hall). Questions regarding the policy may be directed to the Office of the Registrar (127 Sproul Hall).

Complaints regarding alleged violations of the rights accorded students by FERPA may be filed with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20203.

Web Site Address for This Policy

<http://campuspol.chance.berkeley.edu/policies/StudentRecDisclosure.pdf>

Glossary

A. Student

1. An individual for whom the University maintains student records and who: (a) is enrolled in or registered with a University academic program; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status.
2. "Enrolled in or registered with" as specified in this policy is equivalent to the term "attendance" as used in FERPA. The University uses enrollment and registration rather than attendance as a measure of student status.

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B. Record

Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

C. Student Records

1. Those records that contain information directly related to a student and that are maintained by the University, the University of California Office of the President, or by any organization authorized to act on behalf of the University.

Student records include, but are not limited to, academic evaluations, including student examination papers, transcripts, test scores and other academic records; general counseling and advising records; disciplinary records; and financial aid records, including student loan collection records.

2. The term "student records" as used in this policy is synonymous with the term "education records" in FERPA.
3. The term "student records" does not include the following records, and therefore such records are not governed by this policy:
 - a. Records of instructional, supervisory, and administrative personnel, as well as educational personnel ancillary to those persons, that:
 1. Are kept in the sole possession of the maker of the record; and
 2. Are not accessible or revealed to any other individual, except to an individual who performs on a temporary basis the duties of the individual who made the record.
 - b. Campus police records that are created and maintained by campus police solely for law enforcement purposes.
 - c. Employment records, when University employment did not result from and does not depend upon the fact that an individual is a student at the University, provided that the employment records:
 1. Relate exclusively to the individual in that individual's capacity as a University employee;
 2. Are made and maintained in the normal course of business; and
 3. Are not available for use for any other purpose.

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All records relating to a student who is also an employee of the University are included in the definition of student records, if the student's employment is contingent upon the fact that he or she is a student. For example, work-study program records are student records.

- d. Health records that:
 - 1. Are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;
 - 2. Are created, maintained, or used only in connection with the provision of treatment to the student; and
 - 3. Are not disclosed to anyone other than individuals providing the treatment, except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice.

For the purpose of this definition, "treatment" does not include academic and career advising, tutoring, disability management counseling, or any activities that are part of the program of instruction offered by the University.

- e. Applicant records of individuals who do not enroll in or register with an academic program of the University. Applicants become students, for the purposes of this policy, when they accept admission and confirm their intent to register (for example, by submitting the Statement of Intention to Register form). At that time, their applicant records become student records, which are then accorded the same privacy rights as any other student records governed by this policy. Insofar as applicant records are not student records, they are governed by the privacy protections found in the [California Information Practices Act](#).
- f. Alumni records (i.e., records about a person containing only information obtained from that person after that person is no longer a student, or relating to that person and obtained from others after that person is no longer a student).

D. Personally Identifiable Information

Any information that identifies or describes a student. It includes, but is not limited to, a student's name, the name of a student's parent or other family members, the address of a student or student's family, any personal identifier such as a student's social security number or student identification number, and any personal characteristics or other information that would make a student's identity easily traceable.

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Personally identifiable information is divided into two categories:

1. [Directory information](#), which may be disclosed to any party without the prior written consent of the student to whom the information pertains except as specified in [Section V.A](#) of the Procedures section above, and
2. [Confidential information](#), which may *not* be disclosed to any party without the prior written consent of the student to whom the information pertains, except as specified in [Section V.C](#) of the Procedures section above.

E. Directory Information

The term "directory information" formerly known as "public information," means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. UC Berkeley designates the following types of information as directory information:

- Student's name
- Address (local, permanent, billing, e-mail)
- Telephone number (local, permanent)
- Date and place of birth
- Major field of study
- Dates of attendance
- Class level (e.g., freshman, sophomore)
- Enrollment status (e.g., undergraduate or graduate, full time or part time)
- Number of course units in which enrolled
- Degrees and honors received
- Most recent previous educational institution attended
- Participation in officially recognized activities, including intercollegiate athletics
- Name, weight, and height of participants on intercollegiate athletic teams

In designating directory information, campus units are not required to include all of the aforementioned items, but may not include additional items. Pursuant to [Section V.A](#) of the Procedures section above, if a campus unit chooses to omit any of the aforementioned items to create a shorter list of directory information, the unit is required to give public notice of the items the unit has designated as directory information.

The above categories of information, as designated by UC Berkeley, are considered directory information unless a student notifies UC Berkeley in writing or via electronic procedures established by UC Berkeley that any or all of the categories of information about that student may not be disclosed (see [Section V.A](#) of the Procedures section above).

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F. Confidential Information

Any information that is not contained in the list of campus-designated directory information in [Section E](#) above. Confidential information also includes any directory information that students designate as non-disclosable.

G. Disclosure

To permit access to or the release, transfer, or other communication of personally identifiable information contained in a student record, to any party, by any means, including, but not limited to, oral, written, or electronic means.

H. Financial Aid

The provision of financial resources to students, based on the strength of their academic achievements, or on the strength of their financial need, or on a combination of the two.

I. Unit

Any campus department, school, college, office, program, or entity that maintains records covered by this policy.

J. University

The University of California.

K. Campus Official or University Official

Any individual designated by the University of California to perform an assigned function on behalf of the University.

A campus or University official may be:

1. A person employed by the University in an administrative, supervisory, academic, research, or support staff position;
2. A person serving on a University governing body;
3. A person employed by, under contract with, or having entered into an agreement with the University to perform a special task, such as an attorney, an auditor, or a volunteer; or
4. A student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks.

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L. Legitimate Educational Interest

1. Legitimate Educational Interest (LEI) means:
 - a. The information or record is relevant and necessary to the accomplishment of some task or determination that is in support of the student's education; and
 - b. The task or determination is an employment responsibility for the inquirer.
2. A campus official is deemed to have Legitimate Educational Interest in a particular record if the information requested is relevant and necessary for that official to:
 - a. Perform a task or determination that is an employment responsibility or is a properly assigned subject matter for the inquirer and is in support of the student's education;
 - b. Perform a task that is related specifically to the official's participation in the student's education;
 - c. Perform a task that is related specifically to the discipline of the student; or
 - d. Provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

Related Documents

[Berkeley Campus Student Grievance Procedure:](http://uga.berkeley.edu/uga/grievance.stm)

<<http://uga.berkeley.edu/uga/grievance.stm>>

[Berkeley Division-Academic Senate Regulation A207:](http://academic-senate.berkeley.edu/resources/regs_part1.html) <[http://academic-](http://academic-senate.berkeley.edu/resources/regs_part1.html)

[senate.berkeley.edu/resources/regs_part1.html](http://academic-senate.berkeley.edu/resources/regs_part1.html)>

[California Information Practices Act:](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1798-1798.1) <[http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1798-1798.1)

[bin/displaycode?section=civ&group=01001-02000&file=1798-1798.1](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1798-1798.1)>

[Family Educational Rights and Privacy Act:](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+3710+20++%28family%20educational%20right%20privacy%29%20%20%20%20%20%20%20%20%20) <[http://uscode.house.gov/uscode-](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+3710+20++%28family%20educational%20right%20privacy%29%20%20%20%20%20%20%20%20%20)

[cgi/fastweb.exe?getdoc+uscview+t17t20+3710+20++%28family%20educational%20right%20privacy%29%20%20%20%20%20%20%20%20%20](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+3710+20++%28family%20educational%20right%20privacy%29%20%20%20%20%20%20%20%20%20)

[University Policies Applying to Campus Activities, Organizations, and Students, Section 104.30:](http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html) < <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>>

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[University Policies Applying to Campus Activities, Organizations, and Students, Section 110.10](http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc110.html): < <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc110.html>>

[University Records Disposition Schedules Manual](http://www.ucop.edu/ucophome/policies/bfb/bfbrmp.html):
<<http://www.ucop.edu/ucophome/policies/bfb/bfbrmp.html>>

Appendix

Protocols for Responding to Health and Safety Emergencies

Overview and Definition

The Family Educational Rights and Privacy Act (FERPA) governs the disclosure of information from student records and access to these records. FERPA and University policy generally prohibit the disclosure of personally identifiable, non-directory information (also referred to, at UC Berkeley, as confidential information) about students to third parties without first obtaining prior written consent from the applicable student. There are, however, certain exceptions to this general rule. One pertinent exception that allows release of confidential information without prior written consent is the Health and Safety exception.

FERPA permits educational institutions to disclose confidential information from student records “to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.” The Health and Safety exception is significantly limited as defined below:

- The exception applies to a specific situation that presents imminent danger to a student or others of the UC Berkeley community or to a situation that requires the immediate need for information from student records to avert or diffuse serious threats to the safety or health of a student or other individuals.
- Disclosure must be narrowly tailored, considering the immediacy, magnitude, and specificity of information concerning the emergency.
- The Health and Safety exception is temporally limited to the period of the emergency.

Protocols

As educational institutions are responsible for making the initial determination of whether a disclosure is necessary to protect the health or safety of the student or other individuals, UC Berkeley has established the following protocols for requesting student information relating to health and safety emergencies.

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1. When confronted with a possible Health and Safety emergency, contact the UC Police Department (UCPD) immediately at 642-6760. The nature and urgency of the emergency should be explained to the responding UCPD officer, as well as the need to access student information. Immediate threats to public safety should be reported to UCPD by dialing 9-1-1 or 642-1133.
2. The UCPD should assess the severity of the situation. If UCPD determines the situation to be a Health and Safety emergency, as defined above, and requires student information, UCPD should contact the Office of the Registrar at:

124 Sproul Hall (8:00 AM to 5:00 PM, Monday through Friday)
3. The Office of the Registrar should assess UCPD's request for student information and determine whether disclosure would be permissible under FERPA and University policy. If so, then the Office of the Registrar should provide UCPD with only enough relevant information from the student record to handle the health and safety emergency.
4. If the Health and Safety emergency occurs any time other than Monday through Friday, 8:00 AM to 5:00 PM, or on an academic/administrative holiday, the UCPD should contact the on-call UCPD Command Officer, who will assess the urgency of the situation and, if necessary, initiate contact with the appropriate campus administrator to obtain access to the student information.
5. The office that maintains the student record(s) must keep a record of the request for access to and disclosure of confidential information from those records.
6. The UCPD, upon obtaining confidential information from student records, shall use the information only for the purpose for which the disclosure was made (that is, the Health and Safety emergency), and shall not improperly redisclose the information to any other party without the prior consent of the student.

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Revision History

July 17, 2008: On page 1, the Current Responsible Executive was added, and the Contact was changed from Susanna Castillo-Robson to Anne M. De Luca.