

INSTITUTIONAL and FERPA DATA INSTRUCTIONS:

Introduction:

These instructions have been developed to ensure compliance with the use of institutional data. Institutional data is any data that is utilized by the university for non-research purposes. Even if the data does not fall under the FERPA definition it is still subject to permission to utilize institutional data.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student information and mandates that educational institutions uphold strict confidentiality standards. The following outlines whether certain data is protected under FERPA, the proper conditions under which researchers can access student records, and requirements for IRB approval. This checklist is designed to ensure researchers comply with FERPA regulations when handling student data.

Definitions:

Institutional Data

Institutional data is any data that is utilized by the university for non-research purposes. This is data of the university and not the researcher.

FERPA

The Family Educational Rights and Privacy Act is the Federal law that protects the privacy of student education records.

Student Education Records

By definition, Student Education Records are directly related to a student. **If you will be able to directly or indirectly ascertain the identity of a student from the education record at the time of access, FERPA applies.**

Personally Identifiable Information (PII) - FERPA Definition

Personally identifiable information for education records is a FERPA term referring to identifiable information that is maintained in education records and includes direct identifiers, such as a student's name or identification number, indirect identifiers, such as a student's date of birth, or other information which can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.

Private information

Includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (e.g., a medical record).

Identifiable private information

Private information for which the identity of the subject is or may readily be ascertained by the investigator or associated with the information.

Does my Research Fall Under FERPA Protection?

If the following applies to your research, then FERPA applies. You must check the list and seek approval letters from the Registrar's office. The letter needs to match the relevant section on the protocol along with a signature and date. Permission letters must be obtained before protocol submission.

- Your research involves personally identifiable information (PII) from student education records.
- Student Education Records are directly related to a student. If you will be able to ascertain the identity of a student from the education record at the time of access, FERPA applies. If you are utilizing any of the following types of data, you must obtain permission from the university registrar before proceeding. Education Records may include but are not limited to:
 - o Student grades, GPA, or transcripts
 - o Student course schedules
 - o Student work (virtual and in person): tests, homework, discussion posts/responses etc.
 - o Audio or video recordings of students in classrooms and online
 - o Student ID photos
 - o Student financial information and scholarship applications
 - o Student discipline files
 - o Student health records

Other Policies:

If you wish to utilize non-FERPA institutional data, please consult the designated individual responsible for that data at the university. You must obtain a permission letter from the personnel responsible for that data.

If you, as the researcher, are responsible for the data, you cannot grant yourself permission to use it. You must obtain a permission letter from the person you report to with respect to your role involving the data at the university.

Participant consent forms are required by both the Registrar's office and the IRB. Consent form templates can be found on the [IRB website](#). Along with the required portions already on the form, researchers should also include what FERPA data is being requested by participants.

Resources:

FERPA Guidelines: <https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa>

Institutional Guidelines: <https://www.mtsu.edu/one-stop/privacy/>