

Wayne State University

Memorandum

Subject: FERPA and Library Patron Records

To: Louise Bugg

From: Anaclare Evans

Date: September 8, 1998

As mentioned in our meeting on Friday noon, I know just enough about FERPA to be concerned that our library system patron file may be violating the intent of the law. FERPA is the Family Educational Records Privacy Act and is designed to limit the amount of data about students that can be shared. Since DALNET supports a shared patron file with a number of educational and non-educational institutions (at least in terms of this act), the question is what data can be contained in such a file and be shared.

FERPA is not new, the legislation was passed into law in 1974. To a great extent higher education has ignored the implementation of FERPA until several universities were charged with violations of the law in recent years.

FERPA clearly states that directory information may be shared so long as "it is not generally be considered harmful or an invasion of privacy, if disclosed." The act prohibits the disclosure of "personally identifiable information" which according to the U.S. Dept. of Education includes the student's name, the name of the parent or guardian, the address of the student or his family, a "personal identifier, such as the student's social security number or student number", a list of characteristics that would make the student's identify traceable, or other information that would make the student's identify easily traceable.

Our patron records include name, address, phone, etc. but also include the social security number, the student id number, and may include an email address. We need to share this with other DALNET libraries, but seem to be breaking the law if we do so. In a phone call in reply to my emailed request for information, the person I spoke to said we could use the information on campus, but to share it off campus (as with DPL) we would be in violation of the law. I asked some specific questions and the three identifying numbers: the social security number, student id number, and email address were all said to be personally identifiable. There was even some question about the person's library card number.

Conversations with WSU Student Information System (SIS) staff in relation to getting data to load into the NOTIS circulation files indicated that SIS was consulting with the University Counsel about what data could be on the directory server. Certainly this has impact upon the patron record we will be designing for DALNET. We need to have a

very clear understanding of what information we can share and what we must keep private. We also need to know if the students have signed a privacy statement allowing or prohibiting the release of their information at the time of registration. I have learned that this can be an electronic signature.

Penalties for violating this law can be severe and apply at the institutional level.

I would like clarification regarding just what information we can use and what we can't use within a shared patron record so as not to jeopardize the University.