

SOUTH DAKOTA BOARD OF REGENTS
Office of Information Resources and Technology

Guideline

Edition Date 7/7/03

SUBJECT: Privacy Notice

NUMBER: 2.2

1. Background and Purpose

Various Federal, State and Board of Regents regulations provide for the protection of privacy of individuals and organizations whose information is maintained in administrative databases. This Guideline provides a Privacy Notice for informing students and others regarding their rights and expectations of privacy for data about them that is stored in Board of Regents databases.

2. FERPA Privacy Notice

The following notice will be presented to students, and as appropriate to prospective students, at least once each year:

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights are:

- a. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, or head of the academic department [or appropriate official] written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- b. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures

will be provided to the student when notified of the right to a hearing.

- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits *disclosure without consent*, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Regents; or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest *if* the official needs to review an education record in order to fulfill his or her professional responsibility.
- d. Upon request, the University discloses education records without consent to officials of another South Dakota Board of Regents institution in which a student seeks or intends to enroll. Board of Regents Policy x.x describes the statutory basis that all records maintained by a single Regental institution are the property of the Board of Regents. The Board of Regents may assign responsibilities among its Regental institutions that would have professional staff at one institution assist in handling private data related with a student at another Regental institution. When this is done, it may be done without separate notice to the student. Board of Regents policy x.x requires that all staff, faculty and officers who are granted password-controlled access to Regental databases must receive training in policies and methods regarding their obligations in safeguarding your individual privacy.
- e. The Board of Regents maintains Directories of contact information for students, faculty, staff, departments, and other individuals associated with the Universities. This information is critical to some obligations and services performed by the Universities. Directories are also distributed in print and online, such that the information is publicly accessible without password protection. These directories may include data such as: name, phone, email address, class level, major, local address, and home town. Individuals who prefer to limit the disclosure of this information should contact the home campus Office of Student Affairs or the Human Resources office.
- f. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University 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, S.W.
Washington, DC 20202-4605

3. Procedures

This privacy notice will be presented at least once each year to all BOR students. This will be accomplished by:

- a. Hyperlink from WebAdviser to a page on the BOR/CIO web site that displays this message.
- b. URL printed on paper forms presented to students for registration, admission, or financial aid.
- c. Text of the statement printed in general purpose class schedules
- d. Printed and online catalogs.

For additional information, contact the Board of Regents Office of Information Resources and Technology.