Annual Notification of Rights under FERPA

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

1. The right to inspect and review the student's education records within 45 days after the day the Polytechnic University of Puerto Rico receives an access request. A student should submit to the registrar, dean, head of the academic department, or other appropriate officials a written request that identifies the records the student wishes to inspect. The school official will make access arrangements and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

   A student who wishes to ask Polytechnic University of Puerto Rico to amend a record should write to the official school responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

   If Polytechnic University of Puerto Rico decides not to amend the record as requested, the Institution will notify the student in writing of the decision and the student's 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.

3. The right to provide written consent before the Institution discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

   Polytechnic University of Puerto Rico discloses records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the Institution in an administrative, supervisory, academic, research,

or support staff position, including law enforcement unit personnel and health staff; a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the Institution who performs an institutional service or function for which the school would otherwise use its own employee and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent, or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibilities for the Institution.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Institution to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

When does FERPA permit disclosure of personally identifiable information (PII) without student consent?

FERPA permits the disclosure of PII from students' education records without consent of the student if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. A post-secondary institution may disclose PII from the education records without obtaining prior written consent of the student:

- To other school officials, including teachers, within the Institution whom the school has determined to have a legitimate educational interest. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(l)(i)(B)(*1*) – (a)(l)(i)(B)(*3*) are met. (§ 99.31(a)(1))

- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

- 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 university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or 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. (§ 99.31(a)(3) and § 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))

- To organizations conducting studies for, or on behalf of, the school, to: (a) develop, validate, or improve predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))

- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))

- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31 (a)(10))

- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))

- To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that crime or offense, regardless of the finding. (§ 99.31(a)(13))