

Checklist for Privacy and Confidentiality (FERPA and State Privacy Laws)

- Does your advising office have a FERPA policy?
- Does your advising office annually communicate this policy to students and Advisors?
- Does your advising office ensure that Advisors consistently follow this policy?
- Does your institution's General Counsel annually review this policy?
 - Specifically ensuring your office's policy is in line with:
 - Any new aspect of FERPA law or regulations?
 - Institution FERPA policy?
 - State privacy laws applicable to your institution? (State law—common or statutory—may prohibit disclosures that FERPA permits or it may require maintenance of records where FERPA does not)
- Does your FERPA policy:
 - Define what is to be included in and excluded from advising records? (Once something is included, it is FERPA-protected until the record is destroyed)
 - Give students an option to inspect and request to amend their advising records?
 - Provide students a means by which to give informed and voluntary consent to disclose their FERPA-protected education records?
 - Does this consent form:
 - Note the specific individuals or class of individuals to whom the education records may be disclosed?
 - State which specific office or individual may disclose FERPA-protected information?
 - Describe how long the consent is in place? (Consent will be in place until the specified date or until rescinded by the student)
 - Note what specific records may be disclosed?
 - List the purpose of the disclosure?
 - Contain a signature and date line? (This can be a digital form)
 - Require some sort of authentication from specified individuals when they call, email, or visit your advising office to gain access to FERPA-protected information? (e.g., a password provided by student on consent form)
 - Require Advisors to maintain a log of all disclosures of FERPA-protected information? (Not required when the disclosure is based on consent or when disclosing to school officials with legitimate educational interest)