



Rule

16.01.02.L1 Privacy – Education Records

First Approved: September 5, 2023

Next Scheduled Review: September 5, 2028

Rule Statement and Reason for Rule

This rule is required by and supplements The Texas A&M University System (system) [Regulation 16.01.02, Privacy](#), and establishes required roles, responsibilities, and processes for the protection of the privacy of education records, as defined by the [Family Educational Rights and Privacy Act \(FERPA\)](#), at Texas A&M International University (TAMIU or University).

Procedures and Responsibilities

1. PURPOSE AND BACKGROUND

- 1.1 TAMIU recognizes that certain information must be maintained in a confidential manner and is committed to protecting the privacy of education records, as defined by the Family Educational Rights and Privacy Act (FERPA), and personally identifiable information (PII).
- 1.2 The University and its employees must manage education records in compliance with all federal and state privacy laws, system policies and regulations, and university rules and procedures.
- 1.3 This rule establishes roles, responsibilities, and processes to ensure that all persons and third parties that access or maintain education records on behalf of TAMIU understand their responsibilities with respect to those education records to comply with FERPA.

2. ROLES AND RESPONSIBILITIES

- 2.1 TAMIU herein designates the university registrar as the University's FERPA official who is responsible for overseeing the university's compliance with FERPA, the system regulation, and this rule.
- 2.2 The FERPA official will:
 - 2.2.1 Submit a draft of the university's annual notification of FERPA rights to the Office of General Counsel (OGC) for review and approval as to form and legal sufficiency prior to distribution;

- 2.2.2 Distribute by email an annual notification of FERPA rights, approved as to form and legal sufficiency by OGC, to all enrolled students including a statement of the procedures required to obtain such information, a list of the PII that has been identified as directory information, and the process for students who wish to request that their student directory information be withheld, in accordance with FERPA;
 - 2.2.3 Maintain a publicly accessible student information privacy/FERPA website that includes procedures required to obtain such information, a list of the information that has been identified as directory information, the process for students who wish to request that their student directory information be withheld, in accordance with FERPA, and the processes for third parties who wish to request student directory information, certain non-directory information, and education records;
 - 2.2.3.1 Students wishing to grant third parties access to certain non-directory information and education records must complete the required process and/or form(s) for the particular request.
 - 2.2.4 Determining the categories of information that constitute directory information in accordance with FERPA and System Regulation 16.01.02.
 - 2.2.5 Determine and establish the date by which a student is considered to be in attendance for purposes of FERPA in accordance with Regulation 16.01.02 and communicate the date to university personnel with a need to know.
 - 2.2.6 Will review and approve, through the Institutional Review Board (IRB) process, research that is conducted by university personnel when university education records or students are the subject of the research.
 - 2.2.7 Maintain a record of requests for access to and disclosures of PII from education records as required by FERPA, including a list of any breach of system security or other incident resulting in unauthorized access, disclosure, or use of PII and retain this record for as long as the underlying education records are retained; and
 - 2.2.8 Review and approve all university engagements, designations, and agreements with other system members or third parties with a legitimate educational interest in education records for access or maintenance of education records to ensure engagements, designations, and agreements are aligned with FERPA requirements and monitored as needed.
- 2.3 As it relates to records under the purview of the Office of the University Registrar, the Office is responsible for the process of receiving and responding to requests of students exercising their rights under FERPA, parents who have obtained the student's written consent in accordance with FERPA, and an exception under FERPA permitting disclosure without the student's consent.
- 2.4 As it relates to records, not under the purview of the Office of the University Registrar, the university's designated official within the Office of Compliance is responsible for:

- 2.4.1 The process of receiving and responding to requests from students for education records not under the purview of the Office of the University Registrar in accordance with FERPA, and when a student's request pertains to another student's education records, FERPA and the Texas Public Information Act (PIA);
 - 2.4.2 The process of receiving and responding to third-party requests for education records in accordance with FERPA and the PIA;
 - 2.4.3 The process of receiving and responding to requests for student directory information, as defined by FERPA and established by the university registrar as student directory information, in accordance with the FERPA and the PIA; and
 - 2.4.4 An exception under FERPA permitting disclosure of educational records without the student's consent.
- 2.5 The Office of Research and Sponsored Projects will route, through the IRB process, any research protocol that is conducted by university personnel when student education records are the subject of the research to the University's designated FERPA official for review and approval.
 - 2.6 The University's chief information security officer (CISO) will notify the FERPA official of any breach of system security or other incident resulting in unauthorized access to or disclosure of educational records or student PII. The CISO will ensure that any potential engagements with software vendors with access to or maintenance of education records are reviewed and approved by the FERPA official, per section 2.2.8, in advance of formal engagement with the vendor.
 - 2.7 University departments, units, and personnel are responsible for notifying the FERPA official in writing when:
 - PII from education records have been requested in accordance with FERPA, including the name of the requesting party, description of records requested, date of release or denial of access, and the legitimate interests the party had in requesting or obtaining the information; and
 - When there has been any breach of system security or other incident resulting in the unauthorized access, disclosure, or use of PII.
 - 2.8 The Office of Purchasing and Contract Administration will route to the FERPA official for approval any written agreements with other system members or third parties with a legitimate educational interest in education records for access or maintenance of education records to the FERPA official.
 - 2.9 All university employees are required to complete FERPA training once per year.
 - 2.10 All university employees must adhere to this rule and all other related state and federal laws, system policies and regulations, and university rules and procedures. Failure to comply may result in disciplinary action up to and including dismissal.

Related Statutes, Policies, Regulations, or SAP's

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[System Regulation 16.01.02, Privacy](#)

Contact Office

Office of the University Registrar, 956-326-2250

Office of Compliance, 956-326-2855