

MSUB Data Security and Privacy Policies and Practices

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Policy

MSUB is part of the [Montana University System](#) and an affiliated institution with [Montana State University](#). As such, our policies fall under the umbrella of their policies. Data security and privacy fall within the Information Technology area for both entities.

- [MUS Section 1300 – Information Technology Policy and Procedures](#)
- [MSU Information Technology Policies and Procedures](#)

The most relevant policy, a data stewardship policy, is an example of an embedded MSU/MSUB policy structure:

- [MSU Enterprise Data Stewardship Policy](#)
- [MSUB Data Standards](#)

The Registrar and Student Health Services at MSUB also have formal policies and practices in this realm.

- [MSUB FERPA Policy](#)
- [MSUB Student Health Services Privacy Practices](#)

Council

The MSUB Data Governance Council formed in 2021-22. The MSUB Data Governance Council's (DGC) charge is to foster a culture of operational excellence that recognizes and supports institutional data as a university asset. The scope of this charge is inclusive of all data information systems (Banner and non-Banner systems) and all institutional data. The DGC is a cross-functional, university-wide group dedicated to implementing and overseeing a data governance program at MSUB. They have a site on the MSUB intranet: <https://www.msubillings.edu/intranet/data-governance-council/index.htm>

MSUB FERPA Information

Basics for MSUB Employees

The Essence

- Federal law designed to protect the privacy of education records. It also provides guidelines for appropriately using and releasing student education records.
- It is intended that students' rights be broadly defined and applied. Therefore, consider the

student as the “owner” of his or her education record, and the institution as the “custodian” of that record.

Key Terms/Definitions

EDUCATION RECORDS: Include any record maintained by the institution that is related to the student (in whatever format or medium) with some narrowly defined exceptions:

- Records in the “sole possession of the maker” (*e.g.*, private advising notes).
- Law enforcement records created by a law enforcement agency for that purpose.
- Employment records (unless the employment is based on student status). The employment records of student employees (*e.g.*, work-study, wages, graduate teaching associates) are part of their education records.
- Medical/psychological treatment records (*e.g.*, from a health or counseling center).
- Alumni records (*i.e.*, those created after the student was enrolled).

DIRECTORY INFORMATION: Those data items that are publicly releasable, so long as the student does not have a “No Release” on his or her record. Each institution establishes what it considers to be directory information. Common examples include: name, address (local, home and e-mail), telephone (local and home), academic program of study, dates of attendance, date of birth, most recent educational institution attended, and degrees and awards received.

- Directory information *cannot* include: race, gender, SSN, grades, GPA, country of citizenship, or religion.
- Every student must be given the opportunity to have even directory information suppressed from public release. That is referred to as a “No Release.” Everyone within the institution must respect a student’s No Release on his or her record.

PARENT: With reference to FERPA, the term “parent” refers to either parent if the student is financially dependent (IRS definition).

When do FERPA rights begin?

A FERPA-related college education record begins for a student when he or she becomes 18 or enrolls in a higher education institution at any age.

Basic Rights of Students

- Be notified of their FERPA rights at least annually.
- Inspect and review their records.

- Amend an incorrect record.
- Consent to disclosure (with exceptions).

Annual Notification

Every institution must notify students of their basic FERPA rights at least annually.

Inspection and Review

Students have the right to see everything in their “education record,” except:

- Information about other students,
- Financial records of parents,
- Confidential letters of recommendation if they waived their right of access (which cannot be required).

There is no records retention policy under FERPA. It does not state what records you must make or how long you must keep them. Those are institutional decisions. You cannot destroy records once requested.

MSUB follows the Montana University System Record Retention Schedule (<https://mus.edu/che/directives/GeneralRecordRetentionSchedule.pdf>).

Right to Consent to Disclosure

Start with the premise that the student has the right to control to whom his or her education record is released. Then, there are several exceptions when that permission is not required. Historically, we had to have a *signed* release. Regulations now provide more flexibility for utilizing electronic signatures.

When is prior consent not required?

The institution may release records without consent, but is not required to do so. Some examples of the exceptions for having a release include:

- “School officials” with a “legitimate educational interest”/“need to know;” Employees and legal agents have access to education records in order to perform their official, educationally-related duties.
- Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations;
- Disclosure to parents of *dependent students* (IRS definition); Check to see how your institution expects parents to show that dependent status;
- To comply with a judicial order or lawfully issued subpoena;

- Disclosure for a health/safety emergency; and
- Disclosure of directory information.

Some Specific Issues for Faculty and Instructional Staff

Posting Grades

Since grades can never be directory information, it is generally inappropriate to post grades in a public setting. However, if the instructor posts grades in such a manner that only the instructor and the individual student know the posted grade (*e.g.*, with a personal ID; however not any portion of a SSN or institutional Student ID Number), that is acceptable. It is recommended that such a posted list not be in the same order as the class roster or in alphabetical order.

Course Websites

In this age of increasing technology, many courses are supported by class Web sites and/or discussion groups. Only directory information can be available to the general public and other class members, so it is recommended that such Web sites have a security layer such that only class members and instructors can access appropriate information.

MSUB FERPA Website

Visit the MSUB FERPA website (https://www.msubillings.edu/reg/FERPA_Info.htm) to access student related FERPA forms and instructions.

Family Educational Rights and Privacy Act

- [FERPA for Current Students](#)
- [FERPA Policy for Montana State University Billings](#)
- [Notification of Rights under FERPA](#)
- [FERPA Statement for Student Workers \(PDF\)](#)
- [Request to Prevent Disclosure of Directory Information \(PDF\)](#)
- [Sample Letter of Recommendation Release of Information \(PDF\)](#)

Release of Information

In accordance with the Family Education Rights and Privacy Act (FERPA) of 1974, the Registrar of Montana State University Billings may disclose directory information from the education records of a student who is in attendance at Montana State University Billings. Also, the student has the right to refuse to permit the Registrar to disclose directory information. If the student wishes to have all directory information excluded as public information, the student must notify the Registrar's Office, Room 107, McMullen Hall. This notice is good for the current academic year only.

Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Briefly, these rights include the following:

1. The right to inspect and review the education records
2. The right to seek to amend those education records
3. The right to file a nondisclosure form with the Registrar's Office which will withhold directory information until rescinded in writing

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. 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. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel 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 Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official (including student staff) in performing his or her tasks.

More information about FERPA, including a copy of the nondisclosure form, is located on our homepage at this URL: <http://www.msubillings.edu/stuaff/ferpastudents.htm>. If parents want access to their students' academic information on the web, parents are encouraged to ask students for their ID number and PIN for access.

Student's financial aid and billing information is also protected under this privacy act. Students who wish to sign a release granting permission for other parties to have access to academic, advising, financial (student aid or billing), and conduct records may do so by contacting the Registrar's Office. By signing this form, the student authorizes University personnel to release confidential information to designated person(s) such as parents.

MSUB Registrar's Office Information Release Policy Checklist

TYPE OF INQUIRY

- A. Students
- B. Parents/Guardians/ Spouse
- C. General Public
- D. Internal Use Only
- E. Student Organizations
- F. Government Agencies
- G. Employer
- H. Other Educational Institutions

RELEASE

1. Public Record, release to any inquiry.
 2. Student's written permission needed or directly to students with proper ID.
 3. Verify supplied data only.
 4. Release for college use only on need to know basis.
- * In case of emergency, may be released upon approval of Registrar when there is a clear and present danger to the safety of the student or other.

Type of Inquiry	A	B	C	D	E	F	G	H
Name of Student	1	1	1	1	1	1	1	1
Address-Campus, Home	1	1	1	1	1	1	1	1
Telephone-Campus, Home	1	1	1	1	1	1	1	1
Email Address	1	1	1	1	1	1	1	1
Class-School-Major	1	1	1	1	1	1	1	1
Date of Attendance <i>(Includes whether or not currently enrolled)</i>	1	1	1	1	1	1	1	1
Full-Time/Part-Time Status	1	1	1	1	1	1	1	1
Class Schedule	2	2*	2*	4	2	2	2	2
Parent/Guardian's Name Address	2	2*	2*	4	2	2	2	2
Grades (in Courses)	2	2	2	4	2	2	2	2
GPA	2	2	2	4	2	2	2	2
Class Rank	2	2	2	4	2	2	2	2
Current Academic Status <i>(probation, suspension, student petitions)</i>	2	2	2	4	2	2	2	2
Credits Completed	2	2	2	4	2	2	2	2
Graduations Status <i>(Course work yet to be completed)</i>	2	2	2	4	2	2	2	2
Transcript - Official	2	2	2	4	2	2	2	2
Residency Status	2	2	2	4	2	2	2	2
Fees Paid	2	2	2	4	2	2	2	2
SSS, VA, Soc Sec. Status	2	2	2	4	2	2	2	2
Social Security Number	2,3,4	2,3,4	2,3,4	4	2,3,4	2,3,4	2,3,4	2,3,4
Birthdate	2,3,4	2,3,4	2,3,4	2,3,4	2,3,4	2,3,4	2,3,4	2,3,4

Overview of HIPAA

Congress enacted HIPAA in 1996 to, among other things, improve the efficiency and effectiveness of the health care system through the establishment of national standards and requirements for electronic health care transactions and to protect the privacy and security of individually identifiable health information. Collectively, these are known as the HIPAA Administrative Simplification provisions, and the U.S. Department of Health and Human Services has issued a suite of rules, including the Privacy Rule, to implement these provisions.

The HIPAA Privacy Rule requires covered entities to protect individuals' health records and other personal health information the entities maintain or transmit, known as protected health information (PHI), by requiring appropriate safeguards to protect privacy, and setting limits and conditions on the uses and disclosures that may be made of such information without patient authorization. The rule also gives patients certain rights with respect to their health information, including rights to examine and obtain a copy of their health records, and to request corrections (amendments).

Training

FERPA Training

<https://studentprivacy.ed.gov/content/online-training-modules>

Go through FERPA 101: For Colleges and Universities module.

MSU Legal Counsel FERPA Tutorial Website

<https://www.montana.edu/legalcounsel/tutorials/ferpa/whatisferpa.html>

Information Security Training

This training is required prior to access to Banner.

https://apexprod.msu.montana.edu/apex/f?p=112:1:115509892724921::NO::P1_CLASS_OF_TRAINING:Banner%20Online%20Training

Resources

- [US Department of Education FERPA Website](#)
- [FERPA's implementing regulations and other helpful information](#)
- [FERPA and HIPAA: When Can You Share Student Education and Health Records?](#)
- [HIPAA vs. FERPA Infographic 2018](#)
- [Data Privacy in Higher Education: Yes, Students Care](#)