



Guidelines for Responding to Requests for Lists of Student Information

These guidelines are established for offices receiving requests for, or wishing on their own to provide, student information in any form, whether individual records, lists of students meeting certain criteria, or in other forms. They are intended to provide assistance in evaluating under what circumstances student information may be disclosed. The guidelines are drawn from requirements imposed by the Family Educational Rights and Privacy Act (FERPA), a federal law, and Penn's Policy on the Confidentiality of Student Records. For more information, please visit www.upenn.edu/privacy.

I. Overall approach

Offices considering disclosing student information must initially determine whether this information is directory information or non-directory information. Once this determination has been made, specific guidance applies as described below:

In addition to the analysis below for directory information and non-directory information, special rules apply for:

- Requests pursuant to court orders, subpoenas, or requests from law enforcement or other governmental agencies
- Requests for data for use in research (including survey research)
- Requests regarding large mailings to students (e.g., beyond school-based mailings by Deans).

Attachment A contains a form for individuals to submit requests for lists of student data. This form should be used in situations where a request is made for lists of data beyond a School or Center. It may also be appropriate to use this form for requests for data within a School or Center.

II. Directory Information and Non-Directory Information

As described above, most requests for student data will not involve the generation of large lists and can be handled by the office receiving the request. Such offices should first determine whether the information at issue is directory information or non-directory information and follow the guidance below:

A. Directory Information – May Be Shared for Any Purpose Consistent with Privacy Settings

Directory information, under University policy, includes a student's or applicant's name, address (local, home or electronic mail), telephone number, date and place of birth, major field of study, participation in officially recognized activities (including social and honorary fraternities) and sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and previous educational institutions attended. This information loses its status as "directory information" when it is coupled with, or sorted by, non-directory information.

Based on the above, the following types of requests would qualify as requests for directory information. These examples are illustrative and not exhaustive:

- A request for names and addresses of Penn history majors;
- A request for names and address of students in a particular fraternity;
- A request for names and telephone numbers of students on Penn's basketball team;
- A request for names and addresses of students from a particular School.

Requests for directory information may be granted, *provided that the information does not include student information where the student has "opted out" of posting his or her directory information.* At Penn, students may opt-out of one set of information to the general public and another set to Penn faculty, staff, and students. In evaluating whether the student has opted out to a disclosure, one must consider whether the requester is a member of the general public or a Penn faculty, staff, or student – and apply the correct privacy preferences. These settings are found in Penn's online directory.

Note that the obligation to honor opt-outs does not apply to disclosures to University officials with a legitimate educational interest (see below for further explanation). Those determined to fit into this category may receive directory as well as non-directory information regarding students without the student's prior written consent.

Further, although it is legally permissible to disclose directory information (excluding individuals who have opted-out) to third parties without consent, determinations about whether to do so must be made on a case by case basis and you are encouraged to consult with the University's Chief Privacy Officer or the privacy liaison from the relevant School or Center. In evaluating whether to honor such requests, the following factors are appropriate for consideration:

- Is the purpose of the request clear? This information should only be shared if there is a clear understanding of how it will be used.
- Is the purpose of the request supportive of Penn's mission? This information should generally be shared if the use supports Penn's missions of education, research, and service.
- Has there been appropriate due diligence to assess the legitimacy of the organization? (e.g., is the student group registered with VPUL?)
- Particularly for outside entities, are there contractual provisions in place to protect the confidentiality of such data?
- Is generating the data cost-justified? Generating data will have resource implications for Penn and in most cases, especially for lists of data, there will be a fee to be paid by the requester.
- Can the data be provided in the timeframe desired, consistent with other operational needs?

B. Non-Directory Student Information: May Be Shared For University Purposes

Non-Directory Student Information generally includes records directly related to a student that are maintained by the University or a party acting for the University and that do not qualify as directory information as defined above.

Based on this definition, the following types of requests would qualify as requests for non-directory information. These examples are illustrative and not exhaustive:

- A request for names and addresses of Asian American students;
- A request for names and addresses of students of the Catholic faith.

Requests for non-directory information made by individuals who are not working in collaboration with or on behalf of the University generally should be denied.

Requests for non-directory information made by a staff or faculty member, or with a student or student group working in collaboration with or on behalf of the University, may be granted under the following circumstances:

- The information is being used for a legitimate educational purpose; in other words, the information is required or would be helpful in the performance of the person's duties, or in the pursuit of an enterprise sanctioned by the University.
- In the case of the student or student group working in collaboration with or on behalf of the University, the information should be provided to, or reviewed and approved by, a representative of an appropriate University office, and not directly to the student or student group.
- The scope of the information provided should be tailored to the purpose for which it will be used and should be appropriately limited.

III. Special Rules in Special Contexts

A. Requests pursuant to court orders, subpoenas, or requests from law enforcement or other governmental agencies

Offices receiving requests for student data pursuant to legal mandate, such as a subpoena, should contact with the Office of General Counsel at 215-746-5200 immediately.

B. Requests for data for use in research (including survey research)

In the case of requests for information to be used in research, including survey research, the information shall not be provided until the requester documents approval by Penn's Institutional Review Board.

C. Requests for large mailings to students (e.g., beyond school-based by Deans)

If your office has received a request for a large mailing to students, such as beyond a school-based mailing by a Dean, that mailing must be approved by:

- In general, the Registrar,
- In the case of e-mail mailings, the Executive Director of External Affairs in the Office of the Provost,
- In the case of requests from student groups, The Executive Director of the Office of Student Life,
- In the case of requests for student data on the basis of race, sex, or other protected class, the Executive Director of Affirmative Action.

Please direct any questions to the individuals named above or to Penn's Chief Privacy Officer at 215-P-COMPLY or privacy@pobox.upenn.edu. See <http://www.upenn.edu/privacy>.

ATTACHMENT A
University of Pennsylvania
Request for Student, Staff, or Faculty Data

I am writing to request, on behalf of _____ (organization / individual / myself), to request information about Penn students, staff, and/or faculty for the purposes described below and agree, on behalf of the organization or individual named above, to abide by the terms described below.

Please provide me the following information:

I will use the information for the following purpose(s):

The purpose(s) described above advance the mission of Penn in the following way:

I request that the data be provided by the following date: _____

1. I understand that I may use this data only for the purpose(s) described above.
2. I understand if granted, this authorization is for "one time use" of the data provided.
3. I understand that any additional use of the data I receive beyond what is stated in this form is prohibited. A new request must be submitted and approved separately.
4. I have made and will make every effort to collect and share only necessary data.
5. I will take appropriate steps to protect such data from unauthorized access, use or disclosure. See www.upenn.edu/privacy "Protecting Penn Data" for more information.
6. I will securely destroy any remaining data after use as soon as practicable.
7. If I am using the data for purposes of research, including survey research, subject to Institutional Review Board (IRB) approval, I have attached documentation of the Penn IRB approval.
8. If I have any questions regarding appropriate use, sharing and protection of the data I am provided, I will contact the Authorized Penn staff member named below or Penn's Office of Audit, Compliance, and Privacy at privacy@pobox.upenn.edu or 215-P-COMPLY.

I have read and agree to abide by the guidelines stated above.

Requester

Name _____
Signature _____
Organization _____
Affiliated School / Center _____
Email address _____
Telephone number _____
Date _____

Authorized Penn Staff

APPROVED DENIED

Name _____
Signature _____
Organization _____
Affiliated School / Center _____
Email address _____
Telephone number _____
Date _____