Student Data Privacy

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Authority: Hennepin Technical
Custodian of Policy: Hennepin Technical College's Minnesota Data Compliance Official

POLICY STATEMENT

Hennepin Technical College will comply with the Family Educational Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act and other applicable laws and regulations as they relate to student educational records.

General Purpose and Responsibilities

State law classifies all data, other than directory or summary information, maintained by the college which relates to a student as private data. These data may not be disclosed to parties other than a student without written consent except pursuant to a valid court order or certain state statutes authorizing access and the provisions of 20 U. S. C. Sec. 1232g. The college shall prepare and provide summary data in the manner specified in Minn. Stat. 13.05, subd. 7 and 2 MCAR, Section 1.207.

Notwithstanding any other provision of this policy, the following information is defined as Limited Directory Data for purposes of sharing with:

- LeadMN so the association can communicate with its members: Student name, e-mail address, and Student Change Code (NEW/RTN/DROP).
- Hennepin Tech Foundation so they can communicate regarding scholarships, alumni relations, and upcoming events.
- Hennepin County Elections in compliance with Minn. Stat 135A.17, subd. 2: Student Name, and local mailing address.

Data Practices - Definitions

A. Directory Information

"Directory information" includes the following information relating to a student and is available to the general public: the student's name, dates of enrollment, major field of study, award earned. Directory information does not include identifying data which references religion, race, color, social position or nationality.

B. Limited Directory Data

Student email addresses and Star ID numbers are defined as limited directory data for enterprise technology related purposes internal to the Minnesota State Colleges and Universities system that are approved by the System Office IT, including but not limited to, inclusion of email addresses and Star ID numbers in a directory accessible to Minnesota State students and employees. Limited directory information does not include identifying data which references religion, race, color, social position or nationality.

C. Education Records

1. "Education Records" means those records which:
   a. are directly related to a student, and
   b. are maintained by the college.

2. The term does not include:
   a. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
      1. are in the sole possession of the maker thereof;
      2. are destroyed at the end of the school year; and
      3. are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a substitute means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.
   b. Records relating to an individual, including a student, who is employed by the college which:
      1. are made and maintained in the normal course of business;
      2. relate exclusively to the individual in that individual's capacity as an employee; and
      3. are not available for use for any other purpose.
   c. Alumni records which contain only information relating to a person after that person is no longer a student in the college and which do not relate to the person as a student.

D. Student

"Student" means an individual currently or formerly enrolled or registered, and applicants for enrollment. All students at a post-secondary school have the same rights regarding their educational data regardless of age or enrollment status.

E. Legitimate Educational Interest

"Legitimate educational interest" includes interests directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare. It includes a person's need to know in order to:

1. perform an administrative task required in the school employee's contract or position description;
2. perform a supervisory or instructional task directly related to the student's education; and
3. perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

F. Personally Identifiable

"Personally identifiable" means that the data or information includes:

1. the name of a student,
2. the address of the student,
3. a personal identifier, such as the student's social security number or student number,
4. a list of personal characteristics which would make the student's identity easily traceable, or

5. other information which would make the student's identity easily traceable.

G. Private Data

"Private data" are all data other than directory or summary information that are maintained by the college and relate to a student.

H. Record

"Educational Record" means data in any form directly relating to an individual student maintained by the college or by a person acting for the college.

I. Responsible Authority (RA)

The person within Hennepin Technical College who is responsible for ensuring that records on students are maintained in compliance with the procedures outlined in this document and in compliance with current federal and state guidelines is the RA. The RA is the president. The RA shall designate a Responsible Designee (RD) at each campus or program site to ensure that student records are maintained according to this procedure.

J. Summary Data

"Summary data" means statistical records and reports derived from data on individuals, but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.

Notification of Rights

The following statement will be available to students who register online, will be published in the College Catalog on the Hennepin Tech website, and will be distributed to students annually via their student email accounts.

Hennepin Technical College, in compliance with federal and state laws, protects the privacy of student records. Students have a right to inspect their records and, upon written request, may review their records with a school representative to interpret the contents. The following information has been designated as 'directory information' and, as such, is available to the general public: student name, dates of enrollment and/or registration, major field of study, degree, diploma, certificates earned and special student recognition/achievements. To prevent the release of this information, students should contact the Registrar's Office. Copies of the college policy on data collection and confidentiality are available from the Registrar's Office.

Statement of Rights

Students asked to supply private or confidential data shall be informed of the following:

A. the purpose and intended use of the data,

B. whether they may refuse or are legally required to supply the requested data,

C. any known consequences arising from supplying or refusing to supply private or confidential data,

D. the identity of other persons or entities authorized by state or federal law to receive the data, and

E. that failure to supply information needed by school officials may result in services not being provided.

Students have the right to:

A. inspect and review the student's education record,

B. exercise a limited control over others' access to the student's education record,

C. seek to correct the student's education record – in a hearing, if necessary,

D. report violations of the federal law to the Department of Education, and

E. be informed about rights under the law.

Individuals may copy materials and challenge or question records by contacting the Registrar's Office. Records will not be released to other persons without permission from the student when appropriate except to those officials or agencies with specific legal authorization.

Types of Student Records

All information which is to be incorporated into the student record must be in sole reference to that student and shall not contain the name or any identifying information of any other student.

A. Student Records

A student record may contain, but is not limited to the following:

1. Record of Review and Disclosure
2. Application information
3. Enrollment information
4. Transcripts
5. Financial aid information

B. Instructor/Counselor Confidential Files

These files are maintained by and are in in the possession of the instructor or counselor who generates the material recorded therein. These materials are not to be revealed to any other individuals except a substitute instructor/counselor and may not be passed on to another instructor/counselor who permanently takes the place of the originating instructor/counselor. The material within such files must be destroyed at the end of the school year or the student's enrollment (whichever is larger) or incorporated into the student file.

C. Computer Stored Data

The college computer system stores data on students which would be considered "directory," "summary," and "private."

Inspection or Review

Information contained within the student record may be inspected or reviewed only by:

A. eligible students,

B. college officials and other college personnel who are involved with the student's educational program (including assessment and planning) and have a legitimate educational interest in the student's records,

C. federal or state officials engaged in the audit or evaluation of the educational program and/or enforcement of compliance with the legal requirements related to such programs, and

D. appropriate individuals dealing with a serious health or safety emergency involving the student. Only the information necessary to protect the health or safety of the student or other individuals is to be disclosed.

All individuals reviewing the student's record, except college officials and other college personnel who have a legitimate educational interest in the student, must note their review (including date, purpose, and materials reviewed) in writing on the "Review Section" of the "Record of Review and Disclosure" which will be placed in the student record.

Requests to review a student's record should be made in writing and sent to the RD who directs the appropriate person to record the request on the Record of Review and Disclosure. All requests are to be handled in a prompt and efficient manner. The RD is to make arrangements for the review to take place within five school days from receipt of the request if immediate compliance is not possible. The RD should review the record in advance to ensure that all material contained in the record is current, accurate, and complete.

The RD will direct an appropriate person to be present at the time of the review to interpret and explain the material as well as to ensure the safekeeping of all material within the record.

Once the record has been reviewed by a student, the college is not required to comply with a request for review from the same individual for a six-month period unless the material has been disputed, added to, or changed. However, the request can be honored if the RD deems it appropriate.

If the RD determines that the person requesting review of the record does not legally have access to the record, the RD is to inform the requesting party of this decision verbally and in writing within five school days.

Release of Information from Student Records through Duplication

Information in the form of copies may be released from the record only in the following cases:

A. the release is directly to the student who has access to the records, or

B. the student has signed a college release of information to the designated third party. This signed release is maintained as a permanent part of the student's record. A copy of the release should be included with the released material, and a copy should be given to the student.

The Release of Information must be:

1. written or typed,
2. dated,
3. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about him, her, or them,
4. specific as to the nature of the information the subject is authorizing to be disclosed,
5. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed,
6. specific as to the purpose or purposes for which the information may be used by any of the parties named in #5 above, both at the time of the disclosure and at any time in the future,
7. specific as to its expiration date for the consent which should be within a reasonable period of time, and
8. signed by the eligible student.

    A. The information released is for the purpose of determining eligibility and/or terms of financial aid for which the student has applied. Only that information which is necessary and pertinent to the determination may be released without written consent.

    B. Information may be released without written consent to comply with a judicial order or subpoena.

All material housed within the student's record is eligible for release. Discretion should be exercised in determining that only the information requested by the student or that which is pertinent and relevant to the purposes of the release be disclosed.

Copies of material(s) from student records may be either hand delivered or sent by mail.

Request to Amend Education Records

The student who believes that information contained in the education records of the student is inaccurate, misleading, incomplete or violates the privacy or other rights of the student may request that the college amend them.

The request shall be in writing, shall identify the information the requestor believes to be inaccurate, misleading, incomplete or in violation of the privacy or other rights of the student, shall state the reasons for this belief, and shall specify the correction the requestor wishes the college to make. The request shall be signed and dated by the requestor.

The RD shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days of receipt of the request.

If the RD decides to amend the education records, the college shall attempt to notify past recipients of the data, including recipients named by the requestor.

If the RD decides to refuse to amend the education records of the student in accordance with the request, the RD shall inform the student within a reasonable amount of time that the records will not be amended and they will be informed of their right to a formal hearing.

Right to Hearing

Student requests for a formal hearing must be made in writing to the Minnesota Commissioner of Administration within 60 days of receiving the decision. The request must be directed to: Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, MN 55155, who, within a reasonable period of time after receiving the request, will inform the student of the date, place and the time of the hearing. The hearing will be conducted by the Office of Administrative Hearings (OAH) and according to the procedures set forth in Minn. Stat. Ch. 14. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense.

Decisions of the hearing officer will be based solely on the evidence presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.

The education records will be corrected or amended in accordance with the decision of OAH if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing officer, or both. The statements will be placed in and maintained as part of the student's educational records, and released whenever the records in question are disclosed.

Complaints for Non-Compliance

Complaints regarding alleged failures to comply with the provisions of FERPA may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605. Complaints about compliance with the MGDPA may be brought to the college's Data Practices Compliance Official, or to the Minnesota Commissioner of Administration.

Destruction and Retention of Records

The destruction and retention of records by the college shall be controlled by state and federal law and is the responsibility of the RD.

Data Request Form – Data Subjects

Contact Information

Provide sufficient information for college to contact you about your request.

Data subject name: _____

Address: _____

Phone number/email address: _____

Staff Verification

Request date: _____

Identification provided: _____

I am requesting access to data in the following way:

- ☐ Inspection
- ☐ Copies
- ☐ Both inspection and copies

These are the data I am requesting: _____

_____

_____

_____

Describe the data you are requesting as specifically as possible.

_____

_____

_____

_____

We will respond to your request within 10 business days.