



Complying with FERPA and Ohio Revised Code §1347

A Brief Guide for Faculty, GAs and Staff

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Agenda

- Introductions
- What is FERPA?
- Complying with FERPA and OSU Policy
- What is Ohio Revised Code §1347?
- Complying with ORC §1347 and OSU Policy
- Handling an ORC §1347 Breach
- What's Next?
- Resources
- Q and A



What is FERPA?

- Family Educational Rights and Privacy Act (FERPA) - Federal Law since 1974
 - Protects the privacy of students' education records
 - Applies to all institutions that receive Federal funding
 - Sets forth strict instructions and limitations governing the release of information about students.
 - Gives students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.



Complying with FERPA

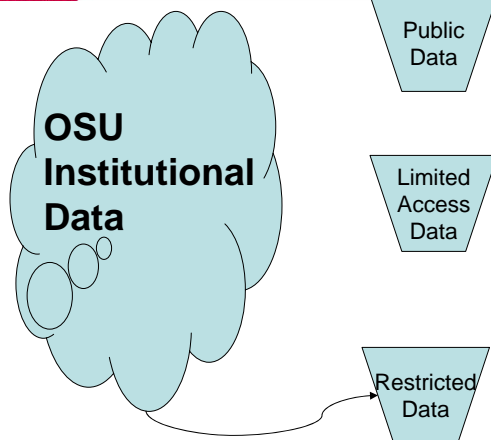
- **“Assume that all of your students must provide written consent that follows the format specified in FERPA before any education records may be released to anyone other than the student”**

*FERPA BASICS, OSU Offices of Academic Affairs and Legal Affairs,
October 6, 2004*



Complying with FERPA

- Grades must not be posted unless accompanied by an identifier that is unrecognizable by anyone other than the student
- Rosters, etc. must not be left in public or semi-public areas
- References must not contain grade or grade-point information unless the student has given prior written consent. Other protected information that should not be divulged includes students' social security number, race or ethnicity, gender, nationality, academic performance or disciplinary records
- For students 18 and over, written student consent is required before any information can be shared with parents



Policy on Institutional Data

- creates categories
- defines categorization process

Laws constrain category choice:
FERPA ORC 1347

Policy controls how restricted data are handled.



FERPA and OSU's Institutional Data Policy

Comply with all federal, Ohio, and other applicable laws; all applicable university policies, procedures, and standards; and all applicable contracts and licenses

Restricted Data must be encrypted if stored or used on portable devices, if removed from university property, or if electronically transmitted.

Restricted Data must never be stored on a personally-owned computer or storage device.

Restricted Data must not be stored or used by external service providers or agents without contracts or agreements including provisions for equivalent protection.



What is ORC §1347?

- An Ohio Law that requires government and business to contact individuals residing in Ohio if unencrypted or unredacted personal information about those individuals that is included in computerized data ...is accessed and acquired by unauthorized persons and
 - causes or reasonably is believed will create a material risk of the commission of the offense of identity fraud or
 - other fraud to the individual



What does ORC §1347 Require?

- requires that Ohio residents be contacted within 45 days of discovery of breach that exposed their information.
- Notification may be by:
 - Letter
 - E-mail (IF e-mail is the primary means of interaction)
 - Telephone
 - Public notice (IF size, cost or difficulty thresholds are met)
- If more than 1,000 residents' information is exposed, the large-scale credit reporting agencies must be notified of the timing, distribution, and context of the notification to the residents.



What is Personal Information?

- First Name or First Initial and Last Name accompanied by one or more of these:
 - Social Security Number
 - Driver's License or State Identity Card Number
 - Credit Card Number or Debit Card Number in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.



What is Encryption?

- "Encryption" means the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.



What is Redaction?

- "Redacted" means altered or truncated so that no more than the last four digits of a social security number, driver's license number, state identification card number, account number, or credit or debit card number is accessible as part of the data.



OSU ORC §1347 Policy

- “Draft Interim University Policy on Disclosure or Exposure of Personal Information” - Approved for provisional use January 10, 2007
- Retains ORC §1347 Definition of Personal Information
- Exempts information that has been ‘encrypted, redacted or effectively obscured’ from triggering notification.
- Broadens notification requirement to include non-residents
- Prohibits storage of personal information on non-OSU owned equipment
- Establishes a process for investigating potential ORC §1347 breaches
- Requires department responsible for data exposure to bear costs of notification



What Should Departments/Individuals do?

- Encrypt Restricted & Personal Information
 - PGP Whole Disk (bulk purchase for OSU machines)
 - EFS on Windows XP
 - FileVault on Mac OS X
 - BitLocker on Windows Vista
- Delete Restricted & Personal Information
- Archive Restricted & Personal Information; Secure Archive Media
- Redact Restricted & Personal Information
 - Remove SSNs
 - Remove all but last 4 digits of SSNs



What Should Departments/Individuals do in the Event of a Breach?

- Follow Departmental Notification Procedures
- Notify CIO Information Security Group
IMMEDIATELY at security@osu.edu



What's Next?

- FERPA will remain unchanged for the foreseeable future
- ORC §1347 may be superceded by federal legislation
- The OSU "Enterprise Data Classification" policy as it applies to FERPA data is being discussed; may affect how some FERPA data is classified (and so how it must be handled).



Resources

- FERPA
 - <http://oaa.osu.edu/reports/FERPA.html>
 - http://www.ureg.ohio-state.edu/ourweb/more/Content/ferpa_pg1.html
 - <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.htm>
- Ohio Revised Code §1347
 - <http://codes.ohio.gov/orc/1347.12>
 - <http://www.bricker.com/Publications/articles/907.asp>



Resources

- OSU Policies
 - <http://buckeyesecure.osu.edu/Policy/Index>
- Institutional Data Policy Training
 - <http://buckeyesecure.osu.edu/Policy/InstitutionalDataTraining>



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