

**Subject** Government Data Practices: Educational Data and Directory Information

**Authors** Becker-Finn and others

**Analyst** Nathan Hopkins

**Date** February 21, 2022

## Overview

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records at educational agencies or institutions that receive funds from programs administered by the U.S. Department of Education. One FERPA provision allows an institution to designate certain non-sensitive education records as “directory information” that can be publicly released without student or parent consent. Directory information typically includes information like a student’s name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, and dates of attendance—the kind of information one would typically find in a school directory or yearbook. FERPA requires institutions to provide parents and “eligible students” (i.e., students who have reached 18 years of age or who are attending a postsecondary institution at any age) annual notice about what information the institution designates as public directory information and an opportunity to opt out of the designation. *See* 34 CFR § 99.3 and 34 CFR § 99.37. A parent or eligible student who chooses to opt out would have their directory information remain private.

Minnesota’s Government Data Practices Act (GDPA) (Minn. Stat. ch. 13) is a state law that also protects the privacy of “educational data” that a public educational agency or institution maintains on students. *See* Minn. Stat. § 13.32. The GDPA currently incorporates FERPA’s directory information provisions and permits schools to release educational data properly designated as directory information under FERPA’s notice and opt-out procedure.

This bill amends the educational data section of the GDPA to prohibit an institution from designating a student’s personal contact information as publicly available directory information under FERPA, which means the contact info would remain private educational data.

## Summary

Section	Description
1	<p><b>Private data; when disclosure is permitted.</b></p> <p>Amends an existing paragraph allowing the disclosure of private educational data by an educational institution. Permits disclosure of private educational data to government entities that (1) have a legitimate educational interest in the data, and (2) are conducting services, activities, or events sponsored or endorsed by the educational institution.</p>
2	<p><b>Directory information.</b></p> <p>Prohibits an education institution from designating a student’s personal contact information as publicly available directory information. Because the contact information cannot be made public as directory information, it will remain private educational data. As private educational data, the contact information may still be disclosed with parental consent.</p>
3	<p><b>Effective date.</b></p> <p>Makes this law effective the day following final enactment. Also provides that a student’s personal contact information that was previously designated as publicly available directory information <i>before</i> this law came into effect must now be treated as private educational data.</p>



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155