

U. S. DEPARTMENT OF EDUCATION REGULATIONS
Part 99 -- Privacy Rights of Parents and Students

99.3 Definitions

"Education records"

- 1) Means those records which:
 - a) Are directly related to a student, and
 - b) Are maintained by an educational agency or institution or by a party acting for the agency or institution

- 2) The term does not include:
 - a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - i) Are in the sole possession of the maker thereof, and
 - ii) 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 of a law enforcement unit of an educational agency or institution that are:
 - i) Maintained apart from the records described in A above
 - ii) Maintained solely for law enforcement purposes, and
 - iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit
 - c) Records relating to an individual who is employed by an education agency or institution which:
 - i) Are made and maintained in the normal course of business;
 - ii) Relate exclusively to the individual in that individual's capacity as an employee, and
 - iii) Are not available for use for any other purpose

 - d) Records relating to an eligible student which are:
 - i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;
 - ii) Created, maintained, or used only in connection with the provision of treatment to the student, and
 - iii) Not disclosed to anyone other than individuals providing the treatment; provided, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.

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- e) Records of an educational agency or institution that contain only information relating to a person after that person was no longer a student at the educational agency or institution. An example would be information collected by an educational agency or institution pertaining to the accomplishments of its alumni.

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