

FERPA (34 C.F.R. Part 99)

FERPA is a U.S. federal law that protects student education records and controls access and disclosure of those records.



What it is

FERPA (Family Educational Rights and Privacy Act) is a federal privacy regulation that helps organizations safeguard the privacy of student education records and ensure appropriate access and disclosure controls. Its primary purpose is to grant students and parents certain rights with respect to educational data, promoting data protection and privacy in the education sector.

Published and enforced by the U.S. Department of Education, FERPA applies to all educational institutions and agencies that receive federal funding. The regulation sets requirements for the protection, management, and permissible disclosure of student information, focusing on access controls, consent management, and compliance with privacy best practices in education.

At a glance

PUBLISHER U.S. Department of Education	TYPE Regulation	VERSION Family Educational Rights and Privacy Act (FERPA)
EFFECTIVE 1974	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION United States	INDUSTRY Government & Public Sector	ADOPTION MODEL Regulatory Compliance
IMPLEMENTATION COMPLEXITY Moderate		

Source: <https://studentprivacy.ed.gov/ferpa>

Why it matters

- **Strengthen data protection practices** Ensure proper handling, storage, and transmission of student information to reduce risks of unauthorized access or disclosure.
- **Enhance regulatory alignment** Facilitate compliance with federal privacy requirements, supporting audit processes and demonstrating adherence to legal obligations.
- **Support parental and student rights** Enable fulfillment of requests for record access, correction, or consent, strengthening trust and transparency with stakeholders.
- **Reduce privacy incident risks** Minimize chances of data breaches by enforcing robust access controls and regular privacy-focused staff training.

How SmartSuite supports FERPA

Student Data Inventory and Purpose

Document student data types, systems, access roles, and allowed uses.

Access Governance and Role Controls

Track role-based access, approvals, and periodic access reviews with evidence.

Request and Disclosure Workflows

Manage access, correction, and disclosure processes with deadlines and audit trail.

Vendor and Service Provider Oversight

Track vendor contracts, safeguards, and reviews for systems handling education records.

Retention and Secure Disposal Controls

Document retention rules, deletion processes, and proof of execution.

Compliance Reporting

Report program status, open issues, and evidence coverage for internal reviews.

Common framework mappings

- CCPA/CPRA
- COPPA
- GDPR
- HIPAA
- ISO 27701
- NIST Privacy Framework v1.0

Official resources

FERPA General Guidance for Parents and Eligible Students

Provides an overview of rights under FERPA, with specific guidance for parents and students.

www2.ed.gov/policy/gen/guid/fpco/ferpa/for-parents.pdf

FERPA Regulations

Defines the official regulations under the Family Educational Rights and Privacy Act by the U.S. Department of Education.

www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf

FERPA Frequently Asked Questions

Outlines common questions and answers regarding FERPA compliance and student privacy rights.

studentprivacy.ed.gov/frequently-asked-questions

FERPA Model Notifications of Rights

Provides templates for schools to notify parents and students of their rights under FERPA.

www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html

Frequently asked questions

What is FERPA used for?

FERPA is a federal law designed to protect the privacy of student education records. It grants specific rights to parents and eligible students regarding access, amendment, and control over disclosure of student information held by educational institutions.

Is FERPA compliance mandatory for all schools?

FERPA compliance is mandatory for all educational institutions and agencies that receive funding from the U.S. Department of Education. Non-compliance can result in loss of federal funding and formal investigative actions.

Who does FERPA apply to?

FERPA applies to public and private educational agencies and institutions at all levels—elementary, secondary, and postsecondary—that receive federal financial assistance. Individual educators, contractors, and vendors handling education records may also be subject to FERPA obligations.

What are the key requirements or controls under FERPA?

Key FERPA requirements include establishing access controls on education records, providing annual privacy notices, managing consent for disclosures, maintaining audit trails of record access, and specifying how and when directory information may be released.

How is FERPA implemented in educational organizations?

Educational organizations implement FERPA by developing privacy and information security policies, assigning data access rights, conducting staff training, establishing consent management processes, keeping records of disclosures, and performing regular risk assessments.

How does FERPA relate to other privacy laws and standards?

FERPA addresses privacy requirements specific to education records, but it can overlap with other laws such as the Children's Online Privacy Protection Act (COPPA) or state-level student privacy acts. Organizations often harmonize FERPA compliance with broader data protection and information security frameworks.

What ongoing activities are needed to maintain FERPA compliance?

Maintaining FERPA compliance requires regular staff training, annual notification to stakeholders, continuous monitoring of data access and disclosures, periodic reviews of record retention and destruction practices, and readiness for audits by the Department of Education.

How would SmartSuite support FERPA?

SmartSuite supports FERPA compliance by enabling centralized control libraries mapped to FERPA requirements, maintaining a risk register, collecting evidence such as training and access logs, tracking disclosures, supporting remediation workflows, and providing dashboards for audit readiness and regulatory reporting.

License included / downloadable: Yes FERPA is a U.S. federal law and is publicly available through official U.S. Department of Education resources.

Full framework page and mappings: smartsuite.com/frameworks/ferpa-family-educational-rights-and-privacy-act