



HOLMES UNIVERSITY FLORIDA

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PD54 – Records Access Request Policy

Policy Code	PD54
Policy Title	Records Access Request Policy
Domain	B – Data Protection
Internal Ref	B.54
Jurisdiction	Florida, United States – Holmes University Florida (HUF)
Version	1.1
Policy Owner	Director of Risk and Compliance, Holmes University Florida
Approved By	Holmes University Florida Board of Directors

1. Related Policies

- PD16 – Privacy and Data Protection Policy (Florida)
- PD17 – Privacy Notice (Florida)
- PD44 – Records Management (Florida)
- PD55 – Data Classification (Florida)
- PD51 – Data Breach (Florida)
- PD15 – Safeguarding and Child Protection (Florida)

2. Purpose and Scope

- 2.1** Holmes University Florida (HUF) collects, stores and processes personal information about its staff, students and other individuals in order to carry out its functions. HUF is committed to full compliance with applicable United States and Florida law, including the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. §1232g; 34 C.F.R. Part 99), the Florida Information Protection Act (FIPA) and, where applicable, the Gramm-Leach-Bliley Act (GLBA). Under FERPA, an eligible student (a student who has reached 18 or attends a postsecondary institution) has the right to inspect and review their education records and to request amendment of records they believe are inaccurate or misleading. A request to inspect and review records under this policy is referred to as a Records Access Request.
- 2.2** HUF regards these rights as an important mechanism for maintaining an honest, safe and open relationship with its students and staff. Requests may be received from students, staff, members of the public and any other individual whose personal information HUF holds. This policy explains how HUF fulfils its obligations and guides staff in handling requests. Requests relating to personnel (employment) records, which are not “education records” under FERPA, are handled under HUF’s human-resources procedures and applicable Florida law.

3. Roles and Responsibilities

- 3.1** The Registrar is the custodian of student education records and coordinates the processing of Records Access Requests, ensuring responses are made within the statutory timescale. The Director of Risk and Compliance advises HUF on its obligations, monitors compliance, and ensures that training, guidance and advice on privacy compliance are available to staff. Human Resources is responsible for requests relating to personnel records. As a nonpublic institution, HUF is not a public agency and is not subject to federal or Florida public-records (“freedom of information”) law; requests for an individual's own records are handled under FERPA and this policy.

4. Recognizing a Records Access Request

- 4.1** A request must be made in writing. It may be made by:
- The individual the records are about (for students, the eligible student);
 - A parent of a student who is a dependent for federal tax purposes, or the parent of a minor, to the extent permitted by FERPA; or
 - An authorized representative acting with the individual's written consent (for example, an attorney).
- 4.2** Any written request by a person for their own information is likely to be a valid Records Access Request; it need not use the words “records access” or cite FERPA, and remains valid even if it refers to other law. The requester need not give a reason, though explaining the purpose may help HUF locate the records. Common examples include “I would like a copy of my student records”, “I would like a copy of the information in my HR file”, and “I am an attorney acting for my client and enclose a signed authorization”.
- 4.3** Requests from law enforcement, the Internal Revenue Service or other government agencies for a student's education records are not Records Access Requests and are handled under FERPA's permitted-disclosure exceptions — for example, disclosure pursuant to a lawful subpoena or court order, or in connection with a health or safety emergency. Such requests are referred to the Registrar and the Director of Risk and Compliance, who determine whether an exception applies before any disclosure is made, and HUF records the disclosure as FERPA requires.

5. Time Limits and Fees

- 5.1** Any staff member who receives a written request must immediately forward it to the Registrar (or, for personnel records, Human Resources). Under FERPA, HUF responds within a reasonable period and in any event no more than 45 days from receipt of a request to inspect and review education records. The timescale does not pause while HUF is closed for holidays, and HUF takes reasonable measures to mitigate any impact of closure on the individual's rights.
- 5.2** HUF does not charge for the search for and retrieval of records. HUF may charge a reasonable fee, based on administrative cost, for copies of records, except where charging a fee would effectively prevent the individual from exercising their right to inspect and review. HUF may decline to act on a request that is manifestly unfounded or excessive, particularly where it is repetitive, and may charge a reasonable fee for further copies of the same information.

6. Verifying Identity

- 6.1** Staff must ensure the request is in writing and identifies sufficiently well-defined records; HUF may clarify with the requester what information they need. The requester must provide their address and valid evidence of identity. HUF accepts current government-issued photo identification, such as a U.S. passport, a state-issued driver's license or identification card, or a

HUF student identification card; a representative must additionally provide the individual's written authorization. HUF requests only the minimum identification necessary to be satisfied of the requester's identity.

7. Processing a Records Access Request

- 7.1** On receipt of a request with sufficient information to process it, an entry is made in HUF's records-access logbook, including the date of receipt, the individual's name, the name and address of the requester (if different), the type of records required (for example, student record or personnel record), and the planned date for supplying the information (no more than 45 days from the request date). Where further information is needed to establish identity or the records requested, the log date is the date sufficient information is provided.
- 7.2** Where a request is related to a disciplinary or grievance matter, staff consider the broader context and seek advice as needed. Depending on how information is organized, staff search relevant areas, which may include emails (including archived and recoverable deleted emails), documents, spreadsheets, databases and systems, CCTV, removable media, and paper records in relevant filing systems. Staff must not withhold information because they believe it may be misunderstood; instead they provide an explanation and supply the information in an intelligible form, explaining any codes, acronyms or complex terms. Where a limit or exclusion applies (see below), staff redact the exempt information and explain why it is withheld.

8. Requesting Amendment of Records

- 8.1** Under FERPA, an eligible student may request that HUF amend a record they believe is inaccurate, misleading or in violation of their privacy rights. HUF decides whether to amend the record within a reasonable time. If HUF decides not to amend, it informs the student of the decision and of the student's right to a hearing. If, after the hearing, HUF still decides not to amend, the student has the right to place a statement in the record setting out their view, which HUF maintains with, and discloses alongside, the record.
- 8.2** **No right to erasure.** Unlike data-protection regimes in some other jurisdictions, FERPA does not provide a right to have education records erased, deleted or "forgotten", nor a general right to rectification outside the amendment-and-hearing process above. HUF retains education records in accordance with its records-retention schedule (PD44) and applicable law, and the appropriate remedy for a record believed to be inaccurate is a request for amendment.

9. Limits and Exclusions

- 9.1** To ensure individuals receive only information about themselves, a formal system of requests is essential, and certain information may be excluded or withheld. Records that are excluded from a student's right of access under FERPA, or that HUF may withhold or redact, include:
- Records kept in the sole possession of the maker and used only as a personal memory aid;
 - Records of HUF's law-enforcement unit created for a law-enforcement purpose;
 - Employment records that relate to an individual solely in their capacity as an employee (handled under HR procedures);
 - Medical or treatment records made and used only in connection with treatment (which may be reviewed by a physician of the student's choice);
 - Records created or received after the individual is no longer a student and not directly related to their attendance (alumni records);

- Confidential letters and statements of recommendation where the student has waived the right of access;
- Parents' financial records; and
- Information that would identify or disclose the education records of another student, which is redacted so that access can be given to the requester's own information.

10. Refusal, Third Parties and Deceased Individuals

- 10.1** Where a limit or exclusion applies, HUF may withhold or redact some or all of the requested information. If HUF refuses to provide information, it informs the individual of the reasons, of any right to a FERPA amendment hearing where relevant, and of their right to file a complaint with the U.S. Department of Education, Student Privacy Policy Office. Where a request involves information about other individuals, HUF considers whether it can comply without disclosing information identifying another individual; if it cannot, it does not comply except where the other individual consents or it is reasonable to comply without consent.
- 10.2** FERPA rights belong to the eligible student and generally end on the student's death. Requests for the records of a deceased individual are handled at HUF's discretion, taking into account any continuing duty of confidentiality and the interests of the family.

11. Contents of the Response and Review

- 11.1** A response to a Records Access Request will, as applicable, set out the categories of records provided; the purposes for which HUF processes the information; the recipients or categories of recipients to whom the information has been or will be disclosed (HUF maintains a record of disclosures as FERPA requires); the retention period or the criteria used to determine it (PD44); the individual's right to request amendment of records and to a hearing; the right to complain to the U.S. Department of Education; the source of the information where it was not collected from the individual; and the existence of any automated decision-making, including meaningful information about the logic and consequences involved.
- 11.2** This policy should be read with the Privacy and Data Protection Policy (PD16), the Privacy Notice (PD17) and the Records Management Policy (PD44). It is monitored and reviewed by the Director of Risk and Compliance and may be amended as legislation and regulation change.

12. Annex - Records Access Request Template Guidelines

- 12.1** Use of a form is not mandatory but helps HUF respond accurately and promptly. A Records Access Request Form should capture: the date; the requester's title, surname and forename(s); address; email address; preferred response format; any other names by which the individual has been known; their relationship to HUF; proof of identity enclosed; and a description of the request, including information to help locate the records and a relevant date range. The completed form is returned to the Registrar (or, for personnel records, Human Resources).
- 12.2** **Process summary.** A request is received in writing and forwarded to the Registrar; receipt is acknowledged and identity verification requested where required; the request is logged (date of receipt, name, requester, type of records, planned response date); information is gathered (where emails are requested, individuals identified may be made aware of the request); the information is compiled, reviewed for third-party and excluded content, redacted as necessary, converted to a suitable format, and provided to the requester within 45 days, with an explanation of any information withheld and of the individual's rights.

Document Control

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