



FERPA HEALTH OR SAFETY EMERGENCY EXCEPTION

What is FERPA?

The FERPA (Family Educational Rights and Privacy Act) is a federal law passed in 1974 that protects the privacy of student education records. As a member of the Brown educational community, you have a legal responsibility to protect the privacy of student education records that you are in possession of or have access to. Without written student consent or a valid exception under FERPA, student education records should not be disclosed to third parties.

When is it permissible to utilize the FERPA health and safety emergency exception?

FERPA's health or safety emergency exception permits disclosures of personally identifiable information (PII) *when the disclosure is necessary to protect the health or safety of the student or other individuals*. See 34 CFR §§ 99.31(a)(10) and 99.36. This exception to FERPA's general consent requirement *is limited to the period of the emergency and generally does not allow for a blanket release* of PII from a student's education records. These *disclosures must be related to an actual, impending, or imminent emergency*, such as a natural disaster, a terrorist attack, a campus shooting, or the outbreak of an epidemic.

Source: <https://studentprivacy.ed.gov/faq/when-it-permissible-utilize-ferpa%E2%80%99s-health-or-safety-emergency-exception-disclosures>

What does that mean?

If the requisite conditions of the health and safety exception are met, PII may be disclosed to parties outside the university e.g. law enforcement, public health officials, or parents.

Internally, school officials with a legitimate educational interest are allowed to share PII with other school officials to ensure the safety of faculty, staff, and students.

When Does a Health or Safety Emergency Exist?

A university must make this determination on a case-by-case basis, taking into account the totality of the circumstances pertaining to a threat to the health or safety of a student or others. Generally, this determination will be made in consultation with University Health Services, CAPS, DPS, BART, and/or OGC.

When does FERPA not apply?

1. FERPA does not prohibit a school official from disclosing information about a student that is **obtained through personal knowledge or observation** e.g. if you overhear a student making a threatening remark.
2. FERPA also does not apply to records that are created by independent law enforcement units, for a law enforcement purpose, and maintained by the law enforcement unit.

Resources:

Brown DPS: <https://dps.brown.edu/>

CARE Team: <https://www.brown.edu/offices/student-support/care-team>

CAPS: <https://caps.brown.edu/>

Health Services: <https://healthservices.brown.edu/>

**For questions or guidance please contact OGC:
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