

## COMMUNITY COLLEGE OF DENVER

Title: Breach of Student Confidentiality

Guideline #: SA – 6

Approved: June 23, 2016  
August 9, 2017

References: Family Educational Rights and Privacy Act (FERPA)  
Board Policy 4-80  
System President's Procedure 4-80

Approved By: Dr. Everette J. Freeman, President

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### 1. PURPOSE

To outline the process that will be taken when Admissions, Registration & Records, which houses Registrar Programs and Services, becomes aware, or is notified of a breach of confidentiality, in violation of the Family Educational Rights and Privacy Act (FERPA).

### 2. APPLICABILITY

Applies to all education records maintained by the Community College of Denver (College or CCD) in accordance with FERPA.

### 3. DEFINITIONS

- a. Family Educational Rights and Privacy Act (FERPA), or the Buckley Amendment is a federal law designed to protect the privacy of student education records.
- b. Breach of confidentiality occurs when education record is disclosed to a third party, except as permitted under § 99.31, without prior written consent of the student.
- c. Disclosure is to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means (oral, written, electronic, etc.), to any party except that party identified as the party that provided or created the record.
- d. Education record is any record, with certain exceptions, maintained by an educational agency or institution, on any medium, which may include personally identifiable information (PII).
- e. Educational institution is a school or other entities that provide educational services and are attended by students.
- f. Educational agencies – entities that are authorized to direct and control public elementary or secondary, or postsecondary institutions.
- g. Personally identifiable information is any information, alone or in combination, that is linked or linkable to a specific student that

would allow a reasonable person (without personal knowledge of the circumstances) to identify the person. PII includes student's name, name of student's parent or other family members, address of the student or student's family; personal identifier such as SSN, student ID number, biometric record; and indirect identifiers such as date and place of birth and mother's maiden name.

- h. Student is any individual who is or has been in attendance at an institution; and regarding whom the institution maintains education records.

#### 4. GUIDELINES

- a. CCD employees or any College officials who may have access to education records are obligated to protect the privacy of such records. Unauthorized disclosure of education record is prohibited under FERPA and may be subject to disciplinary action, including up to termination of employment.
- b. Employees who witness or commit what is believed to be a possible FERPA violation must notify the Office of Registration & Records (Registrar Programs and Services) immediately at 303.556.2420 or [arr@ccd.edu](mailto:arr@ccd.edu).
- c. The Registrar or his/her designee will investigate the matter and determine what action, if any, should be taken.

- d. Upon confirmation of a breach of confidentiality, the Registrar or his/her designee will take action to prevent further disclosure of education records, and to mitigate and prevent identity theft in accordance with Colorado Community College System (CCCS) Identity Theft Prevent and Detection Program, as required by the Fair and Accurate Credit Transaction Act of 2003 (FACTA), including notifying, and if necessary, direct the party responsible or involved to cease and recall disclosed education records. Depending on infraction, notification of the supervisor of the party responsible, the Vice President of Enrollment Administration and Student Success (VP EASS) and the President may be necessary.
- e. The Registrar will notify the student of the disclosure within a reasonable timeframe following the data incident to allow him or her to take action to mitigate identity theft.
- f. If the release of PII is deemed to cause significant harm or invasion of privacy, all attempts will be made to mitigate the impact, including but not limited, disassociating and generating new unique identifier and flagging education record as "confidential."
- g. In incidents involving a mass breach of confidentiality, the Registrar or his/her designee, through the VP EASS, will consult CCCS Legal Affairs.
- h. In instances in which education records are inappropriately disclosed in response to a lawfully issued subpoena, the College

will consult CCCS Legal Affairs, and if warranted, demand that records be returned to the College.