

Privacy HIPPA & FERPA

FERPA (Family Educational Rights and Privacy Act)

Office Responsible:	Administration
Area Information is located:	Administration
Date Document was last updated:	April 2015
Date Policy and Procedure was last updated:	April 2015

FERPA sets limits on the disclosure of personally identifiable information from school records, and defines the rights of the student to review the records and request a change to the records.

It is the policy of Film School SF that all students have the right to review their education records.

Students are allowed to amend inaccurate information contained in their records. If a request is denied, Film School SF allows the student to request a hearing to challenge the contents of the education records, on the grounds that the records are inaccurate, misleading, or violate the rights of the student.

Film School SF ensures that students have the right to provide consent for the disclosure of their records by allowing them sign a release of records form, (Consent to Release of Records to Third Parties), that is placed in their permanent record. This form is offered to the student upon enrollment and annually if they are in attendance after one year.

The school includes in that notification the procedure for exercising their rights to inspect and review education records.

The school maintains a record in the student's file listing to whom personally identifiable information was disclosed and the legitimate interests the parties had in obtaining the information (does not apply to school officials with a legitimate educational interest or to directory information)

Consent to Release Records to third Parties

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When a disclosure is made:

If a parent or eligible student so request, the school provides him or her with a copy of the records disclosed, and if the parent of a student who is not an eligible student so request, the school provides the student with a copy of the records disclosed. Film School SF only makes these disclosures with a written request.

Consent not required

Film School SF will disclose personally identifiable information without student consent to the following parties: disclose personally identifiable information from the student's education records.

- School officials with legitimate educational interests
- U.S. Comptroller General, U.S. Attorney General, U.S. Department of Education
- State and local officials
- Authorized organizations conducting educational research
- Accrediting agencies
- Alleged victim of a crime
- Parent of a Dependent Student as defined by the IRS
- Parent of a student under 21 regarding the violation of a law regarding alcohol or drug abuse

FERPA and Subpoenas

In contrast to the exceptions to the notification and recordkeeping requirements granted for law enforcement purposes, educational agencies or institutions may disclose information pursuant to any other court order or lawfully issued subpoena only if Film School SF makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action. Additionally, Film School SF does comply with FERPA's recordkeeping requirements when disclosing information pursuant:

- Specify the records that may be disclosed
- State the purpose of the disclosure

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HIPPA

HIPPA applies to Health Care Providers, private benefit plans, and health care clearinghouses. It does not apply to other types of organizations whose receipt or maintenance of health records is incidental to their normal course of business.

FERPA does not limit what records a school may obtain, create, or maintain. It provides safeguards for education records.

Film School SF Office of Disability Services (ODS) is part of Administration and normally obtains and maintains health records for each student who applies for services or waivers. So, the receipt and maintenance of health records by student's services' units is well established. If a health record is used to make a decision in regard to a student's education program, (e.g., whether a student should receive extended time for testing; or be exempt from an academic requirement, such as SAP) the health record may be construed to be an education record. In that case the normal FERPA provisions for safeguarding the record would apply.

Film School SF treats health records in the same manner as student records and requires a written release from the student.

Health and Safety Exemption Requirement

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A health and safety exception permits the disclosure of personally identifiable information from a student's record in case of an immediate threat to the health or safety of students or other individuals.

The school follows the provisions outlined in the regulations as follows:

The school only discloses personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Patriot Act changes to FERPA:

In response to the terrorist attacks on the United States that took place on September 11, 2001, Congress made changes to FERPA. Section 507 of the USA Patriot Act amended FERPA, which now contains 16 exceptions to the general rules. Public Law 107-56; DCL April 12, 2002

The school complies with the changes made to FERPA as a result of the USA Patriot Act as outlined in DCL April 12, 2002

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