

# **Data Release Policy, Duke University, With Application to Students, Faculty, and Staff (“Person Data”)**

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Various offices at the institution receive requests for institutional data on a daily basis, from members of the Duke community as well as from outside organizations or agencies. In some cases, data requested are already protected by preexisting laws (e.g., for students, the Family Educational Right to Privacy Act, or FERPA; for patients, the Health Insurance Portability and Accountability Act, or HIPPA.) or institutional policies (e.g., confidentiality of individual salaries).

This policy is meant to provide guidelines for responding to requests in cases in which preexisting policies do not apply, and/or to clarify guidelines regarding preexisting policies.

## **Release of Individual Person Data**

**Background.** FERPA regulations permit the release of student “directory information”\* to anyone without the prior consent of the student (with the exception of students who have specifically restricted the release of this information).

\* “Directory information” is defined by the federal Department of Education as “information contained in an educational record of a student that generally would not be considered harmful or an invasion of privacy if disclosed.”<sup>1</sup>

“Directory information” includes the following:

- Name
- Addresses
- Telephone listings
- E-mail addresses
- Photograph
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- The most recent previous educational institution attended

“Directory information” specifically excludes student id codes and numbers, grades, ethnicity, gender, and citizenship.

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<sup>1</sup> AACRAO FERPA Guide, 2001.

## **Duke University Data Release Policy on Individuals:**

Information of any kind on individuals (faculty, students, or staff) is routinely provided only to those persons internal to Duke University who are institutionally responsible for the category of students, faculty, or staff of which the individual is a member. In the case of students, this is our definition of persons who have what FERPA terms a “legitimate educational interest.”

Authorized Duke persons receiving such information are prohibited from releasing it to anyone else, whether internal or external to the institution.

External constituencies or concerns are permitted to access “directory information” via hard copy or the web, but Duke University does not provide lists except where specifically approved by the Provost or President or Chancellor for Health Affairs.<sup>2</sup> Such approval is generally limited to national or consortial research programs with which the institution has a prior relationship, or governmental research programs in which the university is legally bound to participate. Even in these cases, relevant FERPA<sup>3</sup> and IRB<sup>4</sup> guidelines will be adhered to.

In addition to the above examples, in rare ad hoc cases the President or Provost (or the Chancellor for Health Affairs, if the request involves medical faculty, student, or staff information) may request release of data on individuals for projects of extreme institutional and/or national importance, and where Duke is assured of the confidentiality of the data.

### **Release of Aggregated Person Data**

**Background:** There are no FERPA restrictions on the release of aggregate student data.

#### **Data Release Policy for Aggregated Information:**

Permitted Release of Data--Information on groups (aggregate data) is released if it is already published: i.e., if it is in the public domain. For example, data on student enrollment and staffing levels by race, sex, citizenship, and program or unit are required by the federal government and are published on the National Center for Education Statistics web site; average tenured faculty salaries by rank for the institution as a whole are gathered and published by the American Association of University Professors; etc.

Such data will normally be made available only in the same form in which they have been published. Requests for data in a reaggregated format, or in any other kind of different form, can be honored only if resources permit.

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<sup>2</sup> See also <http://www.oit.duke.edu/group-email/> for institutional policy regarding e-mail mailing lists.

<sup>3</sup> <http://www.ed.gov/offices/OM/fpco/ferpa/ferparegs.html>

<sup>4</sup> <http://www.ors.duke.edu/irb/irb.htm>

Non-Permitted Release of Data: Information on groups is not released in these cases:

- It would be against Duke's interest to do so; e.g., publication of average SAT scores could deter viable candidates from applying, which would be against the institution's best interests.
- It might be possible to infer individual information from it, i.e., if the N for a particular subset of the aggregation were small and its person attributes sufficiently distinctive.
- It is considered to be private information on the aggregate as well as the individual level, e.g., students' grades, average GPA by department or student subset. (In some cases, individual members of a group may give permission for the release of aggregate data on the group; in such cases, aggregated data will only represent consenting members of the group.)

Possible Release of Data: In cases of requests—from both internal and external sources—that do not fall clearly into either the permitted or non-permitted release category, a decision is made at the director level in consultation with other directors and, as appropriate, with the senior officers of Duke University. This decision is based largely on the benefit to Duke weighed against the resources that must be allocated to producing the data and the availability of such resources at that point in time. Such requests should normally be submitted in writing.

In rare ad hoc cases, the President or Provost (or the Chancellor for Health Affairs, if the request involves medical faculty, student, or staff information) may request release of aggregate data for projects of extreme institutional and/or national importance, and where Duke is assured of the confidentiality of the data.