



STATE UNIVERSITY SYSTEM OF FLORIDA
325 West Gaines Street, Tallahassee, Florida 32399-1950

June 28, 2001

MEMORANDUM

TO: Dr. Gita Pitter

FROM: Gregg Gleason, General Counsel

g.g.

Gita, you have asked that I furnish you with a statement concerning student privacy issues and the proposed graduate recruitment database. Title 20 United States Code, section 1232g(b)(1)(A), provides that education records may be disclosed without permission of parents or students, to ". . . school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;"

A similar provision in the Florida Statutes provides at section 228.093 that personally identifiable records may be released, without the consent of the pupil or parents, to: ". . . school officials . . . who have legitimate educational interests in the information contained in the records."

In the federal law, I believe that "agency" can be read, at least under current Florida law, to mean the State University System. The universities of the SUS, as I understand it, have determined that they have a legitimate educational interest in having access to the names and majors of at least some undergraduate students within a certain range of grade point averages, and that educational interest consists of the goal of contacting and letting those students know of graduate school opportunities. I believe that "legitimate educational interest" is consistent with what both Florida and federal law contemplate.

In short, I feel that both state and federal law allow the sharing of information which I understand is contemplated for the graduate recruitment database, and I am pleased that measures are being taken to ensure the security of that information.

Please feel free to call if you have questions about the contents of this memo.

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