MOBIUS Policy on FERPA

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Revised: NA
Replaces: NA

Background: The Family Education Rights and Privacy Act of 1974 ("FERPA") is a Federal law that is administered by the Family Policy Compliance Office in the U.S. Department of Education. 20.U.S.C. § 1232g; 34 CFR Part 99. FERPA applies to educational agencies and institutions (e.g., schools) that receive funding under any program administered by the Department.

Purpose of the policy: MOBIUS, Members, and Associate Members shall maintain compliance with FERPA regarding disclosure and re-disclosure of any Education Records (herein defined) provided to MOBIUS by any Member or Associate Member and any subsequent disclosure by MOBIUS. "Disclosure," as defined by FERPA, means "to permit access to or the release, transfer, or other communication of personally identifiable information contained in Education Records to any party" by any means and includes access to Education Records by school officials ("***Disclosure***"). Further, the term "Education Records" is defined by FERPA as those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution ("***Education Records***"). FERPA generally prohibits the improper Disclosure of personally identifiable information derived from Education Records.

Policy:

<u>Members' and Associate Members' Relationship with MOBIUS</u>

Members and Associate Members have outsourced certain institutional services or functions to MOBIUS in order to provide support of efficient library operations and cost-effective sharing of library resources to better serve the Members' and Associate Members' students and to assist in the students' education and development (the "***Members' and Associate Members' Relationship with MOBIUS***"). Therefore, MOBIUS performs certain institutional services or functions on behalf of each Member and Associate Member that each Member and Associate Member would have otherwise had to provide itself. Under FERPA, the Members' and Associate Members' Relationship with MOBIUS is a "legitimate educational interest" and as such, MOBIUS is a "school official" of each Member or Associate Member.

Each Member and Associate Member maintains direct control over the use and maintenance of any Education Records provided to MOBIUS. Any Disclosure of Education Records made pursuant to the Members' and Associate Members' Relationship with MOBIUS shall only be used for the purposes for which the information was disclosed. MOBIUS shall maintain a record of disclosure which shall include but is not limited to the names of the additional parties to which MOBIUS may disclose the information on behalf of the Member or Associate Member and the legitimate educational interests which each of the additional parties has in requesting or obtaining the information. MOBIUS satisfies this requirement by maintaining a list of Members and Associate Members. Members and Associate Members are parties

permitted to receive such information through the Members' and Associate Members' Relationship with MOBIUS.

Directory Information

Education Records shall not include directory information. Directory information shall include but is not limited to the student's name, address, e-mail address, telephone listing, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, photograph, grade level, and enrollment status ("***Directory Information***"). As used by MOBIUS, student identification numbers shall be considered Directory Information pursuant to FERPA because the student identification number functions essentially the same as a name, i.e., it is not used by itself to authenticate identity and cannot be used by itself to gain access to Educational Records; it must be combined with a PIN or password in order gain access to Educational Records.