



## 16.01.02.W1 Privacy

Approved February 9, 2024

Revised May 28, 2024

Next Scheduled Review May 28, 2029

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### Rule Summary

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West Texas A&M University (WTAMU) is obligated to manage certain confidential information in compliance with federal and state privacy laws. This rule identifies responsible roles on campus and outlines processes used to protect certain confidential information.

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### Rule

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1. Protected Health Information (PHI)
  - 1.1. WTAMU is considered a hybrid entity regarding applicability to the Health Insurance Portability and Accountability Act (HIPAA).
    - 1.1.1. As a hybrid entity, only the healthcare-related components at WTAMU are subject to HIPAA regulations. Non-healthcare-related components are subject Federal Educational Rights and Privacy Act (FERPA) and Americans with Disabilities Act (ADA).
    - 1.1.2. Every three years, WTAMU must conduct an assessment to determine where PHI (as defined by HIPAA), is held, transmitted, or used within the organization.
      - 1.1.2.1. The WTAMU HIPAA Privacy Officer will maintain a list of organizational areas subject to HIPAA.
  - 1.2. The WTAMU President designates the Vice President for Risk and Compliance, or designee, as the HIPAA Privacy Officer.
  - 1.3. The WTAMU President designates the WTAMU Chief Information Officer, or designee as the HIPAA Security Officer.

- 1.4. The WTAMU HIPAA Privacy Officer and WTAMU HIPAA Security Officer are responsible for developing, implementing, and maintaining the WTAMU HIPAA privacy program.
  - 1.4.1. The WTAMU HIPAA privacy program must comply with all federal and state laws relating to the privacy of information.
- 1.5. Any questions or complaints regarding PHI or HIPAA applicability should be directed to the WTAMU HIPAA Privacy Officer or the WTAMU HIPAA Security Officer.
2. Educational Records and Protected Identifiable Information (PII)
  - 2.1. WTAMU is committed to protecting the privacy of education records as defined by the Family Educational Rights and Privacy Act (FERPA). As such, WTAMU is obligated to implement processes to ensure all persons and third parties that access or maintain education records on behalf of the institution understand their responsibilities with respect to those education records and comply with FERPA.
  - 2.2. The WTAMU President designates the WTAMU Registrar as the university FERPA Official.
  - 2.3. The WTAMU FERPA Official is responsible for overseeing the FERPA compliance of the academic institution, as well as the implementation of this rule in compliance with System Regulation 16.01.02 and all applicable federal or state laws.
    - 2.3.1. The WTAMU FERPA Official is responsible for determining whether and to whom the academic institution will release directory information. An academic institution may specify that disclosure of directory information is limited to specific parties and/or for specific purposes in its annual notification of FERPA rights.
    - 2.3.2. The WTAMU FERPA Official works with the Office of Information Security to investigate and hear cases of potential FERPA violations or disclosures, breaches of system security, or other incidents resulting in the unauthorized access, disclosure, or use of personally identifiable information.
    - 2.3.3. The WTAMU FERPA Official is responsible for determining categories of information that constitute directory information. Directory information may only include information that would not generally be considered harmful or an invasion of privacy if disclosed, including but not limited

to, a student's name, address, telephone number, email address, photograph, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Academic institutions are expressly prohibited from designating the following information as directory information: social security numbers, grades, grade point average, race, gender, religion, or national origin.

2.3.4. The WTAMU FERPA Official is responsible for reviewing and approving any research that is conducted by personnel at the academic institution involving education records or students of the academic institution.

2.3.5. The WTAMU FERPA Official is responsible for maintaining a record of requests for access to, and disclosures of, PII from education records as required by FERPA. This record must include a list of any breach of system security or other incident resulting in the unauthorized access, disclosure, or use of PII. Academic institutions must retain this record for as long as the underlying education records are retained.

2.3.6. All WTAMU employees must complete FERPA training via TrainTraq initially upon hire.

2.3.6.1. FERPA refresher training is conducted via TrainTraq and per the TAMUS refresher schedule.

### 3. Disclosure of Information

3.1. Directory information, as designated by the WTAMU FERPA Official, can be disclosed without the student's consent. A list of items designated as directory information can be found on the University Registrar's website on the FERPA Webpage. Regarding requests for information, WTAMU complies with the Public Information Act (Texas Government Code, Chapter 552) and acts accordingly to provide directory information when formally requested.

3.1.1. A formal request for directory information is submitted through the [Records Request Portal](#). The request must be in writing and will be routed to the designated public information officer. More information on the open records request process and university designee(s) for this process can be found on [WTAMU's Open Records website](#).

3.1.2. After the open records request is submitted, it is vetted through the WTAMU FERPA Official for compliance with FERPA before any information is released to the requestor.

- 3.2. A student is considered to be in attendance at WTAMU for purposes of FERPA on the first day of classes of their first term at WTAMU.
- 3.3. As part of the notification sent under Section 4.1 of this rule, WTAMU publicly notifies students of the categories of PII that WTAMU has designated as directory information, a student's right to opt out of the release of their directory information, and the timing and process for a student to notify WTAMU in writing of their decision to opt out.
- 3.4. Students are provided with the opportunity to opt out of the release of their directory information by providing a written notice in accordance with WTAMU's process.
  - 3.4.1. A student's notification of their decision to opt out of the release of their directory information prohibits the student's name from appearing in university-related publications and requests for directory information.
  - 3.4.2. These notifications of decisions to opt out do not limit the student's name from appearing on class rosters or other internal university documents.
  - 3.4.3. Once a student submits a notification to opt out, that student's information will be considered non-directory information until the student submits a separate written request to remove the opt out status.
    - 3.4.3.1. The request must be submitted, in writing, to the University Registrar.
- 3.5. Except as otherwise authorized by FERPA, WTAMU may not disclose any non-directory information to any parties without first obtaining a student's written consent in accordance with FERPA. This consent is provided to the University Registrar's office via a FERPA consent. This also applies to parents of students seeking a student's education records unless an exception under FERPA permits such disclosure without the student's consent.
- 3.6. WTAMU may permit another A&M System member university or other third party to access or maintain education records on behalf of WTAMU as permitted by FERPA. WTAMU must enter into a written agreement with the system member university or third party, and the agreement must contain a FERPA clause. The University Registrar is responsible for reviewing the agreement and approving the disclosure of the educational records to the approved system member university or third party.

## 4. Notification and Training

### 4.1. Notification

4.1.1. An annual notification providing information on student rights under FERPA is sent to all active and enrolled students in the fall term of each academic year via email. The notification is created by the University Registrar and sent to the Division of Student Affairs for distribution to all students. The annual notification must include the categories of information designated as directory information by the WTAMU FERPA Official. The language included in the annual notification is vetted by the A&M System Office of General Counsel prior to release.

4.1.2. The process and forms for students to exercise their rights under FERPA are available on the WTAMU FERPA Webpage.

### 4.2. Training

4.2.1. All WTAMU staff members who create, access, maintain, or disclose educational records are required to take the 11012 FERPA course provided via TrainTraq upon hire and every two years thereafter.

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## Related Statutes, Policies, or Requirements

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[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Gramm-Leach-Bliley Act \(GLBA\)](#)

[Health Information Technology for Economic and Clinical Health Act \(HITECH\)](#)

[Health Insurance Portability and Accountability Act \(HIPAA\)](#)

[Texas Business and Commerce Code, Chapter 521](#)

[Texas Government Code, Chapter 2054](#)

[Texas Health and Safety Code, Chapter 181](#)

[System Regulation 16.01.02, Privacy](#)

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## Revision History

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Initial rule February 9, 2024

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**Contact Office**

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Risk and Compliance (HIPAA)  
(806) 651-2740

Office of the Registrar (FERPA)  
(806) 651-4911

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**Approval Office**

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Office of the President  
(806) 651-2100

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**Approval Signature**

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02/09/24

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President/CEO

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Date

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**System Approvals\***

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Approved for Legal Sufficiency:



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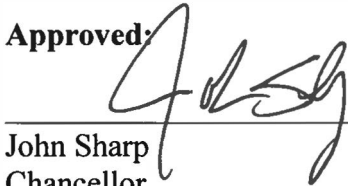
Ray Bonilla  
General Counsel



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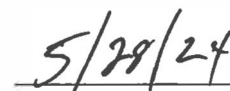
Date

Approved:



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John Sharp  
Chancellor



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Date

\*System approvals are contingent upon incorporation of any and all System-required changes in the rule's final posting.