

September 17, 2020

MEMORANDUM

To: Jose Luis Cruz  
Executive Vice Chancellor

From: Katherine Raymond  
Sr. Associate General Counsel *Katherine Raymond*

Re: Providing Student Contact Information to Outside Honor Societies

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I am writing in response to your request for a legal opinion as to whether colleges may provide national/international honor societies, such as the National Society for Leadership and Success, Golden Key International Honour Society or National Society of Collegiate Scholars, with the contact information for students who meet their membership criteria. For example, such an organization may ask a CUNY college for contact information (address, email address and/or phone number) for students whose GPA meets a specified threshold.

It is clear that the provision of this information to third party organizations would violate the Federal Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g and its implementing regulations, 34 CFR Part 99. FERPA prohibits the disclosure of student education records without the student’s consent, unless an exception applies. Education records are any records maintained by an educational institution that are “directly related” to a student, and include student contact information maintained by a college.

There is no exception under FERPA that would permit the disclosure of contact information to third party honor societies, including the exception permitting the disclosure of “directory information”. Directory information is defined in FERPA as “information contained in an education record of a student that would generally not be considered harmful or an invasion of privacy if disclosed” and under the regulations can include a student’s telephone number and address if an educational institution so chooses. 99 CFR 99.3. However, as permitted by law, an institution may limit the third parties eligible to receive certain categories of directory information and CUNY’s FERPA Guidelines (July 2019) limit the disclosure of student addresses, email addresses and telephone numbers “to employees of the University and its constituent colleges for the purpose of conducting legitimate University business. They may not be shared with individuals and organizations outside the University.”

Further, even before CUNY amended its FERPA Guidelines, it was a violation of FERPA to disclose contact information for a specified category of students to third parties as “directory information” because the information is linked to other protected information in

education records. For example, providing a list of students with a GPA of 3.5 to a third party gives that party not only the name, address and telephone number of a student, but also information about the student's GPA that the student has not consented to be disclosed.

We understand that many colleges and universities provide eligible students with the contact information for honor societies and organization and encourage their students to either nominate themselves or have a faculty member nominate them. In these instances the student petitions the college or university for a copy of their transcript and submits the same to the society or organization for consideration. This would enable students to obtain membership in those organizations consistent with FERPA.

Please feel free to contact me if you have any questions about this matter.