

## 2013 AACRAO Tech Conference

### FERPA and Authentication of Identity

Tom Black and LeRoy Rooker

July 16, 2013  
Tucson, AZ

### ***Primary Rights of Students under FERPA partial***

- Right to have some control over the disclosure of information from education records

### **§ 99.3 FERPA Definitions**

- “Education records” are records that are –
  - (1) directly related to a student; and
  - (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

Definitions cont.

- “Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means (oral, written, electronic, etc.) to any party except the party identified as the party that provided or created the record.

### **Disclosure of Personally Identifiable Information From Education Records by an Educational Institution**

- § 99.30 *Under what conditions is prior consent required to disclose information?*
  - Except for specific exceptions, a student shall provide a signed and dated written consent before a school may disclose education records. The consent must:
    - Specify records that may be disclosed;
    - State purpose of disclosure; and
    - Identify party or class of parties to whom disclosure may be made.

Disclosure provisions, cont.

- § 99.30 (d) (partial) “Signed and dated written consent” may include a signature in electronic form that:

1. *Identifies and authenticates a particular person as the source of the electronic consent.*

## Regulations Concerning Electronics Signatures

### U.S. Department of Education Standards for Electronic Signatures in Electronic Student Loan Transactions

*Revised as of July 25, 2001*

*(See Appendix J in the 2012 AACRAO FERPA Guide)*

## Section 3.1 - Electronic Signatures

- Processes that may be used as electronic signatures for executing electronic promissory notes and signing electronic documents ... include:
  - A. A shared secret, such as a personal identification number (PIN) or password known only to the borrower [student] and the institution maintaining the record
  - B. A unique credential or token provided to the borrower by a trusted third party, such as a public-private keypair, a cryptographic smartcard, or a one-time password device;

### Electronic Signatures cont.

- c. A computer file or number that corresponds to a biometric measurement uniquely associated with the borrower, such as a fingerprint or retinal pattern;
- d. A signature image (a computer file that is created from the scanned image of the borrower's handwritten signature); or
- e. A typed name, combined with (a),(b),(c), or (d).

### Disclosure provisions, cont.

- **§ 99.31 Under what conditions is prior consent not required to disclose information?**
  - There are a number of exceptions which relate to postsecondary institutions where signed consent is not required.
  - FERPA generally requires, however, that school officials authenticate the identity of the requester prior to disclosing information from a student's education record.
  - Regulations address how a school must ensure that it has identified a party to whom it discloses education records.

### Disclosure provisions, cont.

#### **§ 99.31(c) Identification and authentication of identity.**

- Regulations require a school to use *reasonable* methods to identify and authenticate the identity of parents, students, school officials, and other parties before disclosing education records.
- Identification means determining who is the intended or authorized recipient of the information.
- Authentication means ensuring that the recipient is who he or she claims to be.
- Examples in the 2009 regulations preamble include the use of PINs, passwords, personal security questions; smart cards and tokens; biometric indicators; or other factors *known or possessed only by the authorized recipient*.

### Disclosure provisions, cont.

- "The use of widely available information to authenticate identity, such as the recipient's name, date of birth, SSN or student ID number, is not considered *reasonable* under the regulations."
- "Single-factor authentication of identity...may not provide reasonable protection for access to all types of education records or under all circumstances." (See *Federal Register Vol.73, No. 237, page 74848*)

- 99.31 (d) Paragraphs (a) and (b) of this section do not require an educational agency or institution or any other party to disclose education records or information from education records to any party except for parties under paragraph (a) (12) of this section.

A Look at the Authentication Process from a Registrar' s Perspective...

### Authentication Considerations

- Understand the risk & who carries it
- Bind identity commiserate with risk
- Understand levels of assurance
- Understand standards & methods

### Risk

- System
  - Extraction of Data
  - Comingling of Data
  - Criminal Use of Data
  - Exposure of Privacy
- Reputational
- Financial
- Shared?

### Identity Binding

- What is the asset being protected?
- Legal requirements (FERPA)
- Institutional requirements
- Current practices and procedures

### Levels of Assurance

- Factors:
  - Something you know
    - Login
    - Challenge questions
  - Something you have/own
    - Password
    - Security Token
  - Something you are
    - Biometric evidence

## Identity Proofing

- Physical presence
- Support documentation
- Attestations

## Standards & Methods

- E-mail Verification
- OAuth & Open Id
- SAML--Shibboleth
- WebAuth
- Certificates (tamper-resistant/evident)

## NIST recommendation

(layered authentication approach relying on two or more authenticators to establish the identity of an originator or receiver of information.)

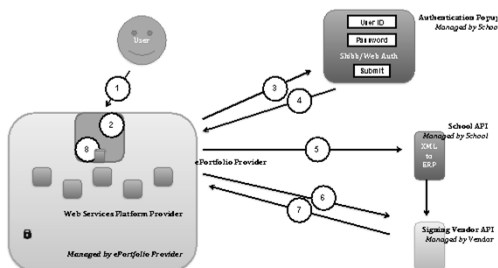
## Typical Uses

- Institutional web portals
- Third party providers
  - Billing
  - Course evaluations
  - Graduate admissions
  - Electronic portfolios
  - LMS
  - Enrollment Certs
- Mobile
  - Course Enrollment
  - Transcript Orders

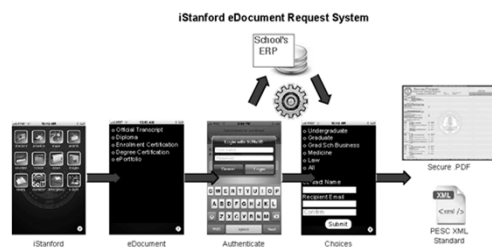
## Stanford's Access

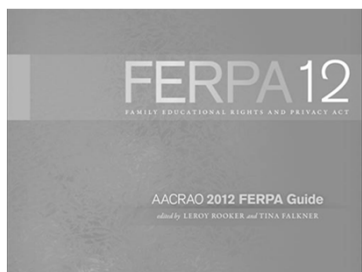
[illegible]

## SaaS Provider



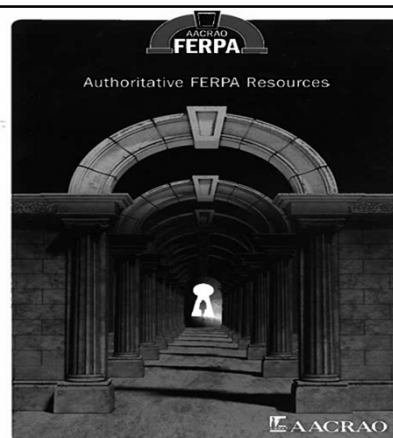
## Mobile





**AACRAO 2012 FERPA Guide**

Edited by LeRoy Rooker and Tina Falkner



<b>Thomas C. Black</b>	<b>LeRoy S. Rooker</b>
Associate Vice	Senior Fellow
Provost for Student	AACRAO
Affairs	One Dupont Circle, NW
University Registrar	Washington, DC 20036-1135
Stanford University	
482 Galvez Mall	
Stanford, CA 94305	
650.723.3160	202.293.9161 x. 1059
<a href="mailto:tblack@stanford.edu">tblack@stanford.edu</a>	<a href="mailto:ferpa@aacrao.org">ferpa@aacrao.org</a>