



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

July 2, 2015

Honorable Mark R. Herring  
Attorney General  
Commonwealth of Virginia  
900 East Main Street  
Richmond, VA 23219

Dear Mr. Herring:

This is in response to your April 3, 2015, letter, addressed to Secretary Arne Duncan, U.S. Department of Education (Department), in which you discuss the potential public release of an executive summary of a report (“Executive Summary”) provided to the University of Virginia’s Board of Visitors. I am pleased to respond on behalf of the Secretary. At the request of the University of Virginia Board of Visitors, you engaged the law firm of O’Melveny & Myers LLP to serve as “independent counsel to conduct a thorough, independent review” of the University of Virginia’s (“University’s” or “UVA’s”) response to an alleged rape that was described in a [REDACTED], [REDACTED] article [REDACTED] – an article that has since been retracted by the magazine. The article focused on a student named [REDACTED] (“Student”) and her allegations of sexual assault that occurred at a University fraternity. You indicate that the task of the law firm “included making an evaluation of whether UVA’s response” to the Student’s report<sup>1</sup> complied with the University’s stated policies and procedures as well as its federal legal obligations under Title IX of the Education Amendments of 1972 (“Title IX”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). You request in your letter that the Department approve the public release of the Executive Summary that addresses the University’s actions related to the Student’s allegations of sexual assault in the [REDACTED] article.

Your letter also included a legal opinion (“Opinion”) provided by the same law firm that conducted the underlying review of the University’s response to the Student’s allegations of sexual assault on whether the disclosure of the Executive Summary would comply with the Family Educational Rights and Privacy Act (“FERPA”). You state that the Opinion indicates “that disclosure of the Executive Summary ... will not reveal any information protected by FERPA, and, even if it did, the protection afforded to that information has been impliedly waived” by the Student due to the “extensive self-disclosure by the student[.]” I have been asked

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<sup>1</sup> We understand the reference to the Student’s “report” refers to the incident described in the now-retracted [REDACTED] article, which was reported to the University’s Associate Dean of Students in May 2013.

to respond to your letter and the attached Opinion because this office administers FERPA. 20 U.S.C. § 1232g; 34 CFR Part 99.

We recognize the Commonwealth of Virginia's strong interest in transparency regarding the University's policies and practices related to sexual assault on campus and in showing that the University is not "indifferent" to allegations of sexual assaults. The Department has a similarly strong interest under the federal civil rights laws, including Title IX and Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, et seq., in ensuring that educational institutions do not engage in sex-based harassment in their education programs and activities and that educational institutions provide easily accessible, clear, and user-friendly policies and procedures related to sex-based harassment. In addition to these interests, the Department has a strong interest in protecting the privacy of students' education records and wishes to ensure that students who make allegations of sex-based harassment are not deterred from discussing such allegations with others out of a concern that they will thereby waive their privacy rights through such discussions.

We assume from your letter and the attached Opinion that the Executive Summary includes information from the Student's education records. With that assumption, we have enclosed technical assistance that responds in detail to the issues raised in the Opinion. The technical assistance provides guidance on the definition of the term "personally identifiable information" and on the regulatory standards governing the non-consensual disclosure of de-identified records and information. In addition, it describes in detail the narrow circumstances in which the Department has interpreted FERPA as allowing an educational agency or institution to infer an implied waiver of the right to consent to the disclosure of personally identifiable information from the student's education records. It also notes that the Department has declined on previous occasions to extend the doctrine of implied waiver of the right to consent when parents or students have shared information with the media or other members of the general public due to the harm that this would cause to students' privacy interests.

While we understand that the University is facing extensive media scrutiny on an issue that implicates its core legal obligations to its student body, we are concerned about the ramifications to student privacy that would result from the extension of the doctrine of implied waiver of the right to consent to situations in which a student shares information with the media. We further believe that the University can effectively show its student body and the public what the University has done correctly and incorrectly in terms of complying with Title IX and the Clery Act without disclosing any personally identifiable information from a student's education records. We trust that that this technical assistance will assist the University in ensuring compliance with FERPA.

We believe this is responsive to your inquiry. Please do not hesitate to contact us again if you have additional questions.

Sincerely,

/s/

Dale King  
Director  
Family Policy Compliance Office

Enclosure

cc: Walter Dellinger, Esq.  
O'Melveny & Myers LLP

**Technical Assistance Regarding the Public Release of Executive Summary of Independent Counsel’s Report to the University of Virginia Board of Visitors**

The Opinion suggests two alternative options to permit the disclosure of the Executive Summary. Specifically, the Opinion asserts that the Executive Summary will not contain any information protected by the Family Educational Rights and Privacy Act (FERPA) and that, even if the information in the Executive Summary is protected by FERPA, the student implicitly has waived her FERPA protections in this case. We explain more fully below the Department’s response to these alternative options.

**Definition of Personally Identifiable Information (“PII”) and FERPA Standards of De-Identification:**

FERPA protects PII contained in student education records. The term “education records” is defined as records that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution. 20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3 (definition of “Education records”).

While the term “personally identifiable information” is not defined in the statute, it is defined broadly in the FERPA regulations to include:

- (a) The student’s name;
- (b) The name of the student’s parent or other family members;
- (c) The address of the student or student’s family;
- (d) A personal identifier, such as the student’s social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

34 CFR § 99.3 (definition of “Personally identifiable information”).

The regulatory definition of PII is broad and includes not only direct identifiers, such as name, social security number, and other biometric records, but also indirect identifiers, such as date of

birth, place of birth, and mother's maiden name. Subsection (f) of the definition of PII also provides that PII includes information that "is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty."

The Opinion states that the Executive Summary "would not, on its own, permit a reasonable person in the community, who was not already aware of the Student's identity, to identify the Student." In reaching this conclusion, the Opinion states that FERPA requires "consideration of the information a school releases standing alone, without reference to other information already in the public domain" in order to determine if information can identify a student and therefore meets the definition of PII.

The Opinion's analysis on this issue does not appear to address the provision in the FERPA regulations that sets forth when an educational agency or institution may release "de-identified records and information" without prior written consent. See 34 CFR § 99.31(b). The relevant regulatory provision specifically states that after the educational agency or institution has removed all PII, it also needs to make a reasonable determination that the student's identity is not personally identifiable by taking into account not only the other information it may have released in the past, but also "other reasonably available information." This regulation provides:

"(b)(1) *De-identified records and information.* An educational agency or institution, or a party that has received education records or information from education records under this part, may release the records or information without the consent required by §99.30 after the removal of all personally identifiable information provided that the educational agency or institution or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information."

34 CFR § 99.31(b). (Emphasis added.)

The preamble to the 2008 Final Rule, which amended the FERPA regulations to include this provision, explained that the change was made in part due to the Department's concern that the definition of PII in subsection (f) did "not address the re-identification risk associated with multiple data releases and other reasonably available information," and that § 99.31(b) provides the additional standards needed to help ensure that educational agencies and institutions and other parties do not identify students when they release redacted records or statistical data from education records. 73 Fed. Reg. 74836 (Dec. 9, 2008). Thus, this provision requires consideration not only of the institution's "releases," but also of "*other* reasonably available information." *Id.* (Emphasis added.)

In addition, the Department repeatedly stated in the preamble to its 2008 Final Rule that the "reasonable person in the school community standard" set forth in subsection (f) of the definition of PII was specifically intended to incorporate the knowledge that the school community obtains from other publically available information, such as a "well-publicized incident or some other factor known in the community" and "based on local publicity, communications, and other ordinary conditions." 73 Fed. Reg. 74831-74832 (Dec. 9, 2008).

The Department explained in the preamble to its 2008 Final Rule amending the FERPA regulations that the reasonable person in the school community standard in subsection (f):

... provided the standard an agency or institution should use to determine whether statistical information or a redacted record will identify a student, even though certain identifiers have been removed, because of a well-publicized incident or some other factor known in the community. For example, as explained in the preamble to the NPRM, 73 FR 15583, a school may not release statistics on penalties imposed on students for cheating on a test where the local media have published identifiable information about the only student (or students) who received that penalty; that statistical information or redacted record is now personally identifiable to the student or students because of the local publicity.

*Id.*

The Opinion contends, however, that the Department’s interpretation in the above-mentioned preamble “cannot be squared” with the FERPA statute or regulations. The Department respectfully disagrees. While the Opinion notes that FERPA limits disclosures by educational institutions and agencies, rather than the media, this does not mean that the assessment of whether information disclosed by educational agencies and institutions would be individually identifiable in a particular case should not be informed by the consideration of the information that other entities have released about the same individual. The FERPA statute uses the term “personally identifiable information” and neither defines the term nor imposes any limitations on the Department in defining the term.<sup>1</sup> The Department believes its interpretation of this statutory term is reasonable because the determination of whether a particular release of information will be “identifiable” to a particular student is contextual and depends on the consideration of what other information about that student is publicly available and because its broader interpretation of this statutory term better protects the privacy interests of students.

Turning to the FERPA regulations, the wording used in subsection (f) of the definition of PII goes beyond information that directly and indirectly identifies that student (covered in subsections (a) to (f)) to include information that identifies a student because it is “linkable” to the student by a member of the school community (with certain restrictions), which necessarily requires consideration of other information that a member of the school community has. As mentioned earlier, the FERPA regulations include a broad definition of the term “personally identifiable information” and subsection (f) of this definition clearly reflects the Department’s concern about permitting the release of information that “is linkable” to a specific student by a reasonable person in the school community who may have gained knowledge about the student based on publicity or other communications. The FERPA regulations in § 99.31(b) further reflect the regulatory requirement to consider “other reasonably available information” to

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<sup>1</sup> To whatever extent the term PII is ambiguous, moreover, the Supreme Court has held that agencies may authoritatively resolve statutory ambiguities through notice-and-comment rulemaking, which rulemaking the Department has engaged in both in defining the term PII and in setting forth standards for disclosing without consent de-identified information and records. Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc., 467 U. S. 837, 842–843 (1984).

ascertain that a disclosure of information has been appropriately de-identified. In sum, the Department’s regulations make clear that an educational agency or institution must consider other reasonably available information in determining if a proposed disclosure of redacted records or statistical information has been appropriately de-identified.

Moreover, requiring the consideration of other available information in determining whether information is identifiable to an individual is not unique to the FERPA regulations’ definition of PII. For example, the Office of Management and Budget defines personally identifiable information in Memorandum 10-23 as:

“Personally Identifiable Information (PII). The term “PII,” as defined in OMB Memorandum M-07-16 refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.”

(See Appendix of [https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda\\_2010/m10-23.pdf](https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-23.pdf)). (Emphasis added.)

The Opinion argues that OMB’s viewpoint on PII in Memorandum M-07-16 has not been interpreted “to bar the disclosure of information that **on its own** cannot be used to ‘distinguish or trace an individual’s identity.’” However, OMB’s more recent definition of PII clearly does consider “other available information” in determining whether a disclosure of information would be a disclosure of PII.

The [REDACTED] article, which utilized the actual first name of the student to identify the student, garnered significant news coverage. Furthermore, the controversial disclosure of the Student’s last name through the social media platform Twitter also resulted in major news coverage.<sup>2</sup> While we cannot specifically opine on the contents of the Executive Summary, the University of Virginia (University) must be mindful of the appropriate standard for de-identified records and information that is contained in the FERPA regulations at 34 CFR §§ 99.3 and 99.31(b). Assuming the Executive Summary includes information from the Student’s education records, the University must consider whether publication of the Executive Summary, in conjunction with other reasonably available information, will allow a reasonable person in the school community to identify the Student with reasonable certainty.

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<sup>2</sup> See e.g., [REDACTED]

### **Implied Waiver of the Right to Consent:**

The Opinion states that, even if the information in the Executive Summary is protected by FERPA, the Department should find that the Student's discussion with [REDACTED] and other media outlets implicitly waived her right to consent under FERPA.

In this respect, the Opinion points out that the holder of a privilege can surrender the protection of a privilege by "personally and voluntarily disclos[ing] a significant part of the substance or content of a privileged communication to any individual not covered by the privilege."<sup>3</sup> It argues that the Student waived her right to consent under FERPA by disclosing protected information to a national publication. Second, the Opinion contends that the Department's regulations at 34 CFR § 99.31(a)(9)(ii) and (iii) are based on the Department's conclusion that the student impliedly consents to the disclosure of education records when the student sues the school or the school sues the student.<sup>4</sup> The Opinion points out that the Department has issued letters providing technical assistance to educational agencies and institutions that extended the concept of implied consent further than the FERPA regulations have. In this respect, the Opinion specifically refers to the Family Policy Compliance Office's letter of finding issued to Towson (MD) State University,<sup>5</sup> which sets forth the "so-called 'special relationship exception,'" allowing an institution to defend itself when a student has taken an adversarial relationship against the institution, made written allegations of wrongdoing against the institution, and shared this information with third parties. Finally, the Opinion states that the Student "gave an extensive interview to a reporter from [REDACTED], and later wrote to the [REDACTED] and spoke to the [REDACTED] and at a public forum." It states that "[o]n multiple occasions, [the Student] chose to place into the public domain the issue of her interactions with the University following her report of sexual assault." The Opinion asks the Department to extend the policy of implied waiver of the right to consent to apply to the Student's conduct for several reasons.

First, the Opinion states that none of the schools previously seeking the Department's advice faced media scrutiny of the magnitude that the University of Virginia has faced or media allegations that implicated a University's core legal obligations to its students. Second, the Opinion asserts that the distinction between allegations made in a lawsuit and made in the media is a "distinction without a difference" in terms of the direct consequences to an educational agency or institution and that debates in the media "are not attended by any mechanisms designed to ensure fair process" like ones before a neutral decision-maker. Finally, the Opinion states that disclosure of the student's information is needed to show the University's student body how the University responded to the Student's reports of sexual violence and to show both its student body and other universities what the University did correctly and incorrectly in terms of complying with Title IX and the Clery Act.

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<sup>3</sup> New Wigmore: A Treatise on Evidence § 6.12.4a(2) (2d ed. 2010).

<sup>4</sup> 34 CFR § 99.31(a)(9)(ii) is based on 20 U.S.C. §§ 1232g(b)(1)(J) and (j), and thus we disagree with the Opinion that this language was based on any theory of implied consent.

<sup>5</sup> Available at: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/towsonmd.html>

The Department appreciates the challenges posed by the scrutiny that the University is facing about its core legal obligations. However, for a number of reasons, including, but not limited to, that it is possible for the University to address misperceptions about the efficacy of reporting sexual assault incidents without focusing on a single student's sexual assault reporting, that we do not want to deter students who make allegations of harassment from discussing such allegations with third parties out of a concern that they would thereby waive their privacy rights through such discussions, and that the widespread media attention being given to this matter only has heightened the privacy ramifications to the Student that would result from any release of personally identifiable information from her education records, the Department respectfully declines to further extend the doctrine of implied waiver of the right to consent in this instance.

We recognize that privileges, many of which are court-created, can be waived by a privilege-holder's discussion of protected information with a third party not covered by the privilege,<sup>6</sup> but FERPA is a creation of Congress and not the courts. Further, we can see no considerations unique to FERPA that would lead us to interpret FERPA's consent provisions as being waived every time that a parent or student discusses FERPA-protected information with a third party. To the contrary, we do not believe FERPA's provisions support this result. Under FERPA, a parent or student generally must provide written consent to permit an educational agency or institution to disclose the student's education records to a third party. 20 U.S.C. §§ 1232g(b)(1) and (2); 34 CFR §§ 99.30 and 99.31. It would seem that under such a broad theory of implied waiver of the right to consent, the very provision by a student of the consent needed to permit an educational agency or institution to disclose the student's education records to an identified third party would then have the unintended and undesirable effect of waiving the student's statutory protections with regard to the disclosure of the student's education records to any other third party.

The Opinion correctly notes that the Department has interpreted FERPA as allowing an educational agency or institution to infer a parent's or student's implied waiver of the right to consent to the disclosure of personally identifiable information from the student's education records to a court when the parent or student has sued the educational agency or institution. In 1996, the Department revised its FERPA regulations at 34 CFR § 99.31(a)(9)(iii) to allow an educational agency or institution that initiated legal action against a parent or student to disclose relevant education records to a court, without consent and without a court order or subpoena, provided that the educational agency or institution had complied with certain notification requirements. The Department received positive comments on this newly proposed exception to consent, and commenters requested that the Department expand this provision to situations in which educational agencies and institutions are sued by eligible students or parents. Specifically, three commenters requested that "the Secretary include regulations allowing an educational agency or institution to assume an implied waiver of the right to consent to the disclosure of education records to respond to a lawsuit filed by a parent or student against the agency or

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<sup>6</sup> FERPA generally prohibits the non-consensual disclosure of education records by educational agencies and institutions but has not been viewed by courts as creating an evidentiary privilege on behalf of students. See Rios v. Read, 73 F.R.D. 589, 598 (E.D.N.Y. 1977) (stating that: "[i]t is obvious" that FERPA "does not provide a privilege against disclosure of student records" and that "the statute says nothing about the existence of a school-student privilege analogous to a doctor-patient or attorney-client privilege"); Ragusa v. Malverne Union Free School Dist., 549 F. Supp. 2d 288 (E.D.N.Y.2008).

institution.”<sup>7</sup> While the Department did not include this exception at that time, the Department indicated in the preamble discussion to the 1996 final regulations that FERPA permitted an educational agency or institution to infer the parent’s or eligible student’s implied waiver of the right to consent to the disclosure of information from education records to permit disclosure to a court if the parent or eligible student had sued the agency or institution. In the 2000 final regulations, the Department formally added this as a regulatory exception to the general requirement of consent.<sup>8</sup> The Department explained in the preamble to the 2000 final regulations that the exception was added for two reasons.<sup>9</sup> First, the Department concluded an educational agency or institution should not be required to subpoena its own records or seek a judicial order in order to defend itself in a lawsuit initiated by a parent or student and that the Department thought that the parent or eligible student could ensure the student’s privacy in these circumstances by petitioning the court to take measures to protect the student’s privacy, such as sealing the court’s records. Second, the Department reasoned that when a parent or eligible student sues an agency or institution, the parent or eligible student understands that the educational agency or institution must be able to defend itself. In order to defend itself, the educational agency or institution must be able to use relevant education records of the student.

In two letters of findings issued in 1997 and 1998, the Department provided a set of narrow criteria in which the Department extended the implied waiver doctrine to situations in which a student had taken a written, adversarial position against an educational agency or institution by contacting a third party in a “special relationship” to the educational agency or institution in a way that could adversely affect the educational agency or institution.<sup>10</sup> The Department reasoned that, in this context, the policy considerations supporting an implied waiver of the right to consent sufficiently outweighed the potential harm from the dissemination of PII from education records without the appropriate written consent.

Furthermore, in the Towson letter of finding issued in 1998, the Department did not apply the doctrine of the implied waiver of the right to consent to the disclosure that the University had made to the media for two reasons. First, the Department was concerned that there could “be no

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<sup>7</sup> 61 Fed. Reg. 59292, 59294 (November 21, 1996) available at: <http://www.ifap.ed.gov/fregisters/attachments/11219603.pdf>.

<sup>8</sup> See Final Rule, 65 Fed. Reg. 41851, 41858 (July 6, 2000), available at <https://www2.ed.gov/legislation/FedRegister/finrule/2000-3/070600a.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> Specifically, the Department stated in the letter issued to Towson (MD) State University that it would support an educational agency or institution that has inferred an implied waiver of the student’s right to consent to disclosure when:

- i. the student has taken an adversarial position against the educational agency or institution; ii. the student has initiated the involvement of the third party by contacting that party in writing, and, in so doing:
  - a) set forth specific allegations against the educational agency or institution; and,
  - b) requested that action be taken against the educational agency or institution or that the third party assist the student in circumventing decisions made about the student by the educational agency or institution;
- ii. the third party’s special relationship [footnote omitted] with the educational agency or institution:
  - a) gives the third party authority to take specific action against the educational agency or institution; or,
  - b) reasonably could be significantly adversely affected if the educational agency or institution cannot refute the allegations; and
- iii. the disclosure is as limited as is necessary for the educational agency or institution adequately to defend itself from the student’s charges or complaint. The third party should follow the procedures set forth in 34 CFR § 99.33 on limitations that apply to the redisclosure of information derived from education records.”

effective limitation on the widespread dissemination of the information from [the student's] education records" and that "the harm to the student's privacy interest under FERPA" would be "simply too great where the disclosure of personally identifiable information in education records is to the general public." Second, the Department reasoned that the media and the general public could not take specific adverse actions against an educational agency or institution. The Department has not issued any letters that extend the doctrine of implied consent beyond the criteria set forth in footnote 10, above.

We also note that in the preamble to the 2008 final rule, commenters expressed the same concern that FERPA should not prevent schools from releasing records from which all direct and indirect identifiers "have been removed without regard to any outside information, particularly after a student or parent has waived any pretense of confidentiality by contacting the media" and that we had not adequately acknowledged "the public interest in school accountability." 73 Fed. Reg. 74830 (Dec. 9, 2008). The Department responded to these concerns by acknowledging that we had found "in limited circumstances a parent or student may impliedly waive their privacy rights under FERPA by disclosing information to parties in a special relationship with the institution, such as a licensing or accreditation organization." However, we indicated that we did "not believe that parents and students generally waive their privacy rights under FERPA by sharing information with the media or other members of the general public" and "[t]he fact that information is a matter of general public interest does not give an educational agency or institution permission to release the same or related information from education records without consent." *Id.* at 74831.

While the University is facing extensive media scrutiny on an issue that implicates its core legal obligations to its student body, this same media attention also would greatly increase the ramifications to the Student's privacy if we granted the request to extend the doctrine of implied waiver of the right to consent. We also continue to believe that there are meaningful distinctions between permitting disclosures to be made to a court and permitting disclosures to be made to the media in part because the ramifications to privacy that would result from a disclosure to a court can be managed effectively. We have allowed disclosures to be made to a court partly because parents and students have measures available in courts to protect their privacy interests, such as by moving to seal the court's record or for a protective order, as opposed to the widespread dissemination of personally identifiable information from education records that would result from a disclosure to the media. The letter to Towson University focused on the potential harm to the student's privacy from any disclosure of personally identifiable information from education records without written consent and emphasized that a third party in a special relationship to the educational agency or institution would be required to follow the procedures set forth in the FERPA regulations governing the redisclosure of the personally identifiable information from education records,<sup>11</sup> which would not be the case if the doctrine were extended to permit a disclosure to the media.

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<sup>11</sup> See 34 CFR §§ 99.33 (limitations that apply to third parties with regard to the redisclosure of personally identifiable information from education records) and 99.67(e) (enforcement provision for third party violations of the redisclosure limitations).

While we agree that there is a strong public interest in reporting on how a university responds to reports of sexual assaults and in showing the university's student body and the public what the university has done correctly and incorrectly in terms of complying with Title IX and the Clery Act, we believe this interest can and should be accomplished without disclosing any personally identifiable information from a student's education records. Among other measures, a university could undertake a comprehensive review of its actions to comply with these statutes and publish aggregate and de-identified findings that do not reveal PII about any particular student.