

Compliance Today – February 2020 Updated joint guidance on privacy and student education and health records

On December 19, the U.S. Department of Education and the Office for Civil Rights at the U.S. Department of Health and Human Services announced the release of the “updated joint guidance addressing the application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule to records maintained on students.

“The guidance, which was first issued in November 2008, clarifies for school administrators, health care professionals, families, and others how FERPA and HIPAA apply to education and health records maintained about students. The revised guidance includes additional frequently asked questions and answers addressing when a student’s health information can be shared without the written consent of the parent or eligible student under FERPA, or without written authorization under the HIPAA Privacy Rule. New clarifications and examples address:

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