



ASK THE **FERPA** PROFESSORS

Expert answers to your **FERPA** questions.

DECEMBER 12, 2022

DEAR FERPA PROFESSORS,

I have a unique situation and would love some feedback. We have parents of a recently deceased student who are asking for access to the student's email account (ID and password). This doesn't feel like something we can or should do legally or ethically, but I'm having a hard time finding anything to back that feeling.

Any thoughts?

Thanks for any guidance you may have!

Mr. Reed

DEAR MR. REED,

FERPA does not address the issue of education records of deceased students. However, based on common law principles relating to privacy rights, FERPA would no longer apply to the education records of a deceased "eligible student." Thus, a postsecondary institution may disclose such records at its discretion. The FERPA definition of "eligible student" is found at § 99.3 of the FERPA regulations which are on page 154 of the 2012 AACRAO FERPA Guide. You can also find a letter relating to the treatment of deceased students' education records on page 208 of the Guide.

I hope this is helpful in answering your questions.

THE FERPA PROFESSORS

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