FERPA Subpart D: Under what conditions is prior (parental) consent not required to disclose information?

34CFR99.31(b)

(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 sec. 99.30 after the removal of all personally identifiable information provided that the education agency or institution or another 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.

(2) An educational agency or institution, or a party that has received education records or information from education records under this part, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that –

1. An educational agency or institution or other party that releases de-identified data under paragraph (b)(2) of this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student’s social security number or other personal information.