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Congress of the United States  
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March 11, 2015

Kathleen M. Styles  
Chief Privacy Officer  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C., 20202

Dear Ms. Styles:

Campus sexual assault is a widespread problem. Although I applaud the U.S. Department of Education's efforts to improve reporting and spur action on campuses, there is still work to do to make sure victims of sexual assault are assured access to confidential services. I was deeply troubled to learn that the Family Education Rights and Privacy Act (FERPA) appears to permit colleges and universities to access a student's private health records and, under certain circumstances, to release such records as part of her or his education record.

In response to this apparent gap in victims' privacy protections, I respectfully request that you answer the following questions regarding the distinction between students' "treatment records" and their "education records":

- FERPA regulations govern whether an institution may disclose students' education records without consent (including treatment records that are deemed to be education records), but do any regulations or laws restrict an institution's ability to access and share students' treatment records *within the institution*?
- Does federal regulation or guidance prevent students' treatment records from being shared with other offices of an institution that are not involved in students' treatment?
- In addition, is there any guidance, regulation, or law that limits whether an institution may declare that a treatment record is being used for a non-treatment purpose or otherwise deem a treatment record to be an education record?

I look forward to receiving your response to these questions. And I look forward to continuing to work with you to ensure that victims of sexual assault on college and university campuses are well protected under the law.

Sincerely,

  
Suzanne Bonamici  
Member of Congress