Notice Regarding Confidentiality of Health Records
Family Educational Rights & Privacy Act (FERPA)

The privacy of your health information is important to all of us at University Of Cincinnati Health Services. This Notice will tell you about the way we protect that privacy by complying with the Family Educational Rights and Privacy Act (FERPA).

What is FERPA?

FERPA is a federal law that protects the privacy of students’ “education records.” The University of Cincinnati follows FERPA regulations because it receives funds that are administered by the U.S. Department of Education. Under FERPA, “Education Records” are very broadly defined as records that are directly related to a student and are kept by an educational agency or institution, or someone acting for the agency or institution.

How does FERPA apply to my records at University Health Services at UC?

Under FERPA, the records maintained by University Health Services (UHS) are either “Treatment Records” or “Education Records.” The majority of records maintained at UHS are considered to be “Treatment Records” under FERPA, including the records created by your healthcare provider or counselor while providing you with care. “Treatment records” are records that are made or maintained by a health care professional; are used only for your medical or psychological treatment; and are available only to treatment providers.

How does UHS use my Treatment Records?

UHS uses your Treatment Records to provide you with healthcare services. We may disclose your records to other healthcare providers who are also providing you with treatment. In general, we will ask you to sign a written consent form before we provide your information to another healthcare provider for treatment. If there is an emergency situation, however, we may provide this information to other providers for your treatment without having you sign a written consent. At your request, we will also provide your Treatment Records to a physician or other appropriate professional for review.

Can my Student Health and Counseling Services treatment records be shared with people other than healthcare providers without my consent?

In general, we will ask you to sign a written consent before we disclose your UHS records to anyone for a purpose other than treatment. In the following circumstances, as permitted by FERPA regulations, we may disclose your UHS records without your written consent: (a) to comply with a judicial order or lawful subpoena; (b) disclosure to the court in connection with a legal proceeding involving the University and you or your parents; and (c) disclosure in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and
safety of you or other persons; The FERPA regulations also list other situations in which we may disclose your UHS records without your prior written consent.

**May I make a request to see my UHS records?**

Yes, you may make a written request to see your UHS records. We may provide you with copies of the records or arrange for a healthcare provider to be with you when you review them in order to explain the records and/or answer your questions. However, when your records are disclosed to you in this manner, they are considered Education Records (and no longer Treatment Records) and are covered by FERPA regulations governing Education Records.

**At other healthcare providers, I’ve been told that the Health Insurance Portability and Accountability Act (HIPAA) applies to my health records. Why doesn’t HIPAA apply to my UC UHS records?**

UHS is covered by both FERPA and HIPAA regulations. Federal regulations make clear that university Education Records and Treatment Records are excluded from coverage under the HIPAA Privacy and Security Rules. Accordingly, the FERPA regulations prescribe the federal rules that UHS must follow in protecting the privacy of a student’s medical and counseling records. If you receive health care from a medical provider outside of University Health Services, then the HIPAA regulations will apply to the records maintained by those facilities. Of course, all UC facilities also comply with any applicable state laws and University policies regarding the privacy and confidentiality of healthcare records, including UHS.

**What about counseling or mental health records?** In addition to FERPA, there are other state laws that place additional privacy protections and disclosure restrictions on mental health and counseling records, including records held at UHS.

**Where may I direct any other questions I may have about the privacy protections for my UC UHS records?**

*University Rules* 10.43.11 and 10.43.13 establish University of Cincinnati procedures for FERPA compliance.

You may contact or the UC Director of Privacy at (513) 556-3483.

**What if I have a complaint?**

FERPA affords students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920