



**JAMES G. KLAIR**  
Chief Counsel  
Administration  
Comptroller General  
766-20

**JANA G. MOTZ**  
Chief Counsel  
Administration  
766-20

**SUSAN K. GAUVEY**  
Principal Counsel  
Legal Education  
766-647

**ELLEN A. CALLEGARY**  
Special Assistant  
766-647

**JEANNE D. HITCHCOCK**  
Special Assistant  
766-647

**ROBERT A. ZARNOCH**  
Chief Counsel  
Legal Education  
201 T. J. Conroy Service Bldg  
Annapolis, Maryland 21401  
447-1259  
P.O. Box 884 D.C. Metro

**OFFICES OF THE ATTORNEY GENERAL**

Munsey Building • Calvert and Fayette Streets  
Baltimore, Maryland 21202-1918

**STEPHEN H. SAGHS**  
Assistant Attorney General  
766-647

**ELEANOR M. CAREY**  
Deputy Attorney General  
766-647

**CHARLES O. MONK, II**  
Deputy Attorney General  
766-647b

**DENNIS M. SWEENEY**  
Deputy Attorney General  
766-633b

**JAMES J. MINGLE, Chief**  
Education Administration  
766-647

**GARY P. JORDAN, Chief**  
Criminal Justice  
766-649

**STEPHEN M. SCHENNING, Chief**  
Medical and Control Unit  
766-6521

**STEVEN J. COLE**  
Director, Consumer and Investor Affairs  
Chief, Consumer Protection Division  
766-647

**SUSAN M. RITTENHOUSE, Chief**  
Securities Division  
766-647

**MICHAEL F. BROCKMEYER**  
Assistant Division  
766-647b

TTY for Deaf  
Ballo Area 96-7777  
D.C. Metro 96-0951

August 14, 1984

Senator Victor Cushwa  
District 2  
Washington-Allegany Counties  
Senate of Maryland  
Annapolis, Maryland 21401-1991

Dear Senator Cushwa:

You have asked our opinion on whether you are authorized to release the names and addresses of parents of Senatorial Scholarship recipients. It is our view that this information is confidential and the custodian may not release this information to any persons other than the party in interest.

A Maryland student who wished to be considered for financial aid, including a Senatorial Scholarship pursuant to §18-401 et seq. of the Education Article, must complete a Financial Aid Form ("FAF") for each academic year in which he or she is applying. The FAF asks detailed information about a student's household, assets, expected income and benefits, and other personal financial information, as well as information related to the student's parents' households, ages, incomes, employers, and expected family contributions to the student. The FAF specifically states in the introductory paragraph that "[t]he information you give on the FAF is confidential" (Financial Aid Form, Maryland version, 1983 at 1). Pursuant to State law, FAF information is released to senators to assist them in making a determination pursuant to §18-402c(1) of the Education Article ("[e]ach applicant shall demonstrate to the State Scholarship Board a definite financial need, and each Senator shall consider the financial need of each applicant"). But, as discussed below, further dissemination to others of FAF information is prohibited by law.

The Public Information Act states that the custodian shall deny the right of inspection of "school district records containing information relating to the biography [and] family... of any student except to the person in interest". Article 76A, §3(c)(viii). Clearly, the FAF and information contained therein falls within this class of records. See 61 Opinions of the Attorney General 340 (1976). Although this Office has previously held that this exception does not preclude disclosure of the names and addresses of students themselves, 59 Opinions of the Attorney General 586 (1974); 60 Opinions of the Attorney General 600 (1975), it is because the names and addresses of students themselves are not listed within the exception. In contrast, the exception contained in §3(c)(viii) directly refers to and prohibits disclosure of information related to the "biography [or] family" of a student. Additionally, the legislature has specifically mandated that the State Scholarship Board shall "[a]nnounce publicly the names of all recipients" (§18-407(2) of the Education Article), thereby making a limited exception to the general principle that access to educational records shall be denied unless otherwise provided by law.

The Public Information Act also excepts disclosure if contrary to "any federal statute or regulation issued thereunder" §3(a)(ii), and federal statutes do address the confidential nature of the information sought. The right of students and their parents to maintain privacy in academic contexts has been firmly established and is set forth in the Family Educational Rights and Privacy Act of 1974, "the Buckley Amendment", 20 U.S.C. §1232(g). Under the Buckley Amendment, no federal funds may be made available to an educational agency or institution that discloses personally identifiable information, other than directory information,<sup>1/</sup> maintained by an educational agency or institution and directly related to a student. Moreover, data collected by authorized persons must be protected in a manner to prevent the personal identification of students and their parents by other than authorized persons. Where release is authorized, personal information can only be transferred to a third party on the condition that such party will not permit any other party to have access without the written consent of the parent or student. 20 USC §1232(g)(c).

-----

<sup>1/</sup> "Directory information" is defined as information "relating to the student [that] includes the following: a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student". 20 USC §1232(g)(a)(5)(A).

Senator Cushwa  
August 14, 1984  
Page 3

In conclusion, state and federal statutes and the directive contained in the FAF itself that information is confidential, as well as the important public policy considerations prohibiting release of personal records, all dictate that names of parents of Senatorial Scholarship recipients may not be disclosed.

Sincerely,



Christine Steiner  
Assistant Attorney General

CS:krhb

cc: Dennis M. Sweeney - Deputy Attorney General  
Avery Aisenstark - Chief Counsel, Opinions and Advice