

For further information contact:

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Soloman Amendment	
USA Patriot Act	Lee Struble Director of Public Safety 292-2902 lstruble@monroecc.edu



## Student Services Division

Public Safety Department  
Sciences Bldg 7 Room 341  
1000 E. Henrietta Road  
Rochester, NY 14623-5780  
Phone: 585-292-2075  
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Monroe Community College

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## Information Requests from External Sources



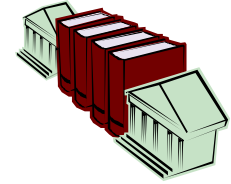
**There's More to You, There's More to MCC**

## Implications for Administrators, Faculty and Staff at Monroe Community College

*Colleges and universities similar to other businesses are warehouses of information stored in written, electronic and voice formats. Each of us has access to this information to varying degrees depending upon our "rights or privileges" and professional responsibilities. Having access, often and in most cases, does not give the authority to disclose such information. Though privacy is no longer absolute, we at Monroe Community College are sensitive to protecting staff and students rights while complying with the law.*

*The purpose of this brochure is to present a brief overview of legislation*

*which impacts our organization currently with regards to requests for information .*



*Specifically this brochure will discuss: the Freedom of Information Law, Soloman Amendment and the recently enacted USA Patriot Act. This should be a framework of procedures, protocols and chain of command, to be referenced if information is requested by a non-college community member. It is not a substitute for legal counsel or advice.*

# Potential Implications for Administrators, Faculty and Staff



*Balancing staff and student privacy and compliance with the law*

## Freedom of Information Law

This law took effect on September 1, 1974 and gives individuals the right of access to certain public records. MCC has adopted guidelines governing when, where, and how one can access public records. The President of the College is responsible for ensuring compliance with the guidelines and designates the Director of Public Affairs as records access officer. The Records Access Officer is responsible for coordinating the appropriate College response to public requests for access to records.

What should you do if someone (other than law enforcement) comes to you asking for information?

Have the individual make a request in writing to:

Director of Public Affairs  
1000 E. Henrietta Road  
Rochester, NY 14623-5780

## Soloman Amendment

This is part of the Omnibus Consolidated Appropriations Act of 1997 which gives the United States Military the right of access to student directory information. MCC has adopted guidelines governing when, where, and how the military can access these records. The President of the College is responsible for ensuring compliance with the guidelines and has designated the Director of Public Affairs to be the Records Access Officer. Failure to provide directory information under the Soloman Amendment may result in loss of funds from the Department of Defense, Transportation, Labor, Health and Human Services, Education and related agencies. Requests must be made in writing. (See previous)

## USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001)

The Act was introduced in response to the terrorism on September 11th to deter and punish terrorist acts in the United States and around the world and to enhance law enforcement investigatory tools, and for other purposes. Below are the provisions of the USA Patriot Act likely to have the greatest impact on us:

- **Privacy of Student Records-** Amends the Family Educational Rights and Privacy Act (FERPA) to permit educational institutions to disclose education records to federal law enforcement officials without student consent in some circumstances

- **Information Technology** - As providers of communication services—including telephones, computers, and Internet access—colleges and universities will be affected by Title II of the Act, Enhanced Surveillance Procedures
- **Subpoenas and Warrants**
  - Court order for education records. Amends FERPA to permit disclosure without student consent, pursuant to a court order, of education records law enforcement officials consider relevant to a terrorism investigation.
  - Required disclosure of communications or records. Expands the scope of technology-related information law enforcement officials may obtain pursuant to warrants, subpoenas, and court orders.
  - Electronic surveillance. Amends the criminal code regarding law enforcement agency use of certain electronic surveillance devices.-
  - Wiretapping. Expands law enforcement agency authority to intercept wire, oral, and electronic communications that relate to terrorism and computer fraud and abuse. -
  - Business records. Amends the Foreign Intelligence Surveillance Act of 1978 (FISA) to permit the FBI to seize, with a court order, certain business records pursuant to a terrorism or intelligence investigation. Prohibits any person from disclosing (other than persons necessary to produce the records) that he FBI sought or

obtained such records under FISA. ---Search warrants. Permits courts in some circumstances to issue a nationwide search warrant.

Contact Public Safety immediately in the following cases:

- Should you, in the course of business, reasonably believe that you have accessed information about an emergency involving immediate danger of death or serious physical injury,
- Should an individual or individuals representing themselves as law enforcement agents approach you and ask you to provide the content of electronic communication or any information about users of or traffic on the MCC network with or without any form of written authorization. Do not disclose any information.
- Should any member of ETS believe or know that the college's system or systems have been compromised by a computer trespasser.