§ 99.11 May an educational agency or institution charge a fee for copies of education records?

(a) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student’s education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

(Authority: 20 U.S.C. 1232g(a)(1))

§ 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

1. Financial records, including any information those records contain, of his or her parents;
2. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
3. Confidential letters and confidential statements of recommendation placed in the student’s education records after January 1, 1975, if:
   (i) The student has waived his or her right to inspect and review those letters and statements; and
   (ii) Those letters and statements are related to the student’s:
      (A) Admission to an educational institution;
      (B) Application for employment; or
      (C) Receipt of an honor or honorary recognition.

(c)(1) A waiver under paragraph (b)(3)(i) of this section is valid only if:

1. The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and
2. The waiver is made in writing and signed by the student, regardless of age.

2. If a student has waived his or her rights under paragraph (b)(3)(i) of this