



University Relations &
Communications
Office of Public Records

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January 5, 2021

VIA EMAIL: alex.highley@milwaukee.gov

Dear Alex:

Attached please find records responsive to your request. Certain information has been redacted from the records, either because specifically required by law or pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. These redactions are described below. In addition, I have been mindful in preparing these records for release that the purpose of the Wisconsin public records law is to shed light on the workings of government and the official acts of public officers and employees.

I redacted information pursuant to the Family Educational Rights and Privacy Act (FERPA). Specifically, I redacted these records to remove cells that contained five (5) or fewer students to protect the privacy of students. FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education and prohibits the release of education records and/or any personally identifiable information from a student's education record without prior written permission from the student. FERPA defines education records as those records that are directly related to a student and are maintained by the educational agency or institution or by a party acting for the agency or institution. FERPA further defines "personally identifiable information" of a student to include a "... personal identifier, such as the student's social security number, student number, or biometric record ... other indirect identifiers ... other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates." See 34 C.F.R. § 99.3. Accordingly, the presumption of public access to portions of these records is defeated because FERPA qualifies under the "otherwise provided by law" exception to the public records law contained in Wis. Stat. § 19.36(1).

Even if FERPA does not prohibit the release of this information, I redacted personally identifiable information relating to students pursuant to the balancing test inherent in Wisconsin's public records law. I determined that the public interest in releasing this information is outweighed by the public interest in withholding it. I considered that FERPA conditions the availability of federal educational funds on UWM's nondisclosure of personally identifiable information related to students, and the strong public policy favoring the privacy of student records expressed therein. I believe that these facts support the strong public interest in keeping private student educational records and any personally identifiable information of students contained in this release.

To the extent that this response may be a partial denial of your request, I am required to inform you that my determination is subject to mandamus (court review) under Wis. Stat. § 19.37(1)(a) or upon application to the attorney general or district attorney under Wis. Stat. § 19.37(1)(b).

Sincerely,

A handwritten signature in cursive script that reads "Kathryn H. Amato".

Kathryn H. Amato
Public Records Custodian