

Nebraska Commission on Law Enforcement and Criminal Justice

OPERATING INSTRUCTION
NUMBER 50-22

December 2, 1994

TRAINING CENTER PRIVACY AND SECURITY OF STUDENTS' RECORDS

PURPOSE: To establish guidelines for the dissemination of information contained in student files.

(1) SCOPE: Applicable to Training Center staff.

(2) REFERENCE: State Statutes 81-1410; 84-712 through 84-712.09

(3) GENERAL: State statutes require that student records be carefully controlled, complete, and accurate and that no access be allowed or released without proper authority.

(4) STATUTES:

(a) State Statute 81-1410 requires that the Training Center verify the qualifications of applicants for training. Verification includes records checks which may disclose personally embarrassing information. State Statute 84-712 R.R. Supp. 1993, establishes a public right of access to agency records. Although this right is limited by State Statute 84-712.05, it is necessary to establish clear criteria for the disclosure of student information.

(b) State Statute 84-712.05 R.R. Supp. 1993, in its pertinent sections, states the following;

The following records, unless publicly disclosed in an open court, open administrative proceedings or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

Neb. Rev. Stat. 84-712.05 (1) Personal information in records regarding a student, prospective student, or former student of any tax-supported educational institution maintaining such records, other than routine directory information;

Neb. Rev. Stat. 84-712.05, (5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or business, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records developed or received relating to the presence of and amount or concentration of alcohol or drugs in the blood of any person.

(c) “Student records” are defined as all forms required to be completed by the student, employer or Training Center as a condition of attendance, including but not limited to:

- i. Medical Examination Report;
- ii. Law Enforcement Information Form;
- iii. application for Attendance;
- iv. fingerprints and returns;
- v. test scores;
- vi. background investigations of tuition student applicants;
- vii. certificates of attendance and training,

(5) **PROCEDURES:** Any requests for student records will be referred to the Director or his or her designee who may disclose

- (a) the dates of student attendance;
- (b) the certificate(s) issued.

(6) **RELEASE OF STUDENT RECORDS:** The Director shall release any student records requested upon receipt of a duly signed search warrant, subpoena duces tecum or a properly signed release by the subject student, provided the release stipulates which records are to be released.

- (7) **COMPILATION OF DATA:** The Director may permit the compilation of data from student records for the purpose of evaluation, investigation or research, provided that all indicia of the student's identity is removed.

ALLEN L. CURTIS
Executive Director

Division: Training Center
Supersedes: OI No. 50-8 dated February 20, 1987