Are Institute privacy guidelines inadequate?

By David B. Kurutz

More than two years after the adoption of the widely acclaimed "Buckley Amendment," which set down broad guidelines for student access to academic records, the issue of privacy at MIT is still very much undecided.

The 1974 amendment asserts the rights of students at "postsecondary educational institutions" to inspect and examine "education records," the right "to a response from the educational agency or institution" to any request for "appropriate information and explanations of the records," the right "to request that the education agency or institution which maintains the records amend them." However, the protection accorded the student under these laws is limited. The act, under the auspices of NIH, allows disclosure of academic records to "other school officials, including teachers, other officials of another school or school system," to "parents of a dependent student," and to "various federal, state, and local officials or authorities." Academic records of MIT students are available to a fairly wide range of people and groups, including faculty members, advisors, housemasters, and graduate residents (tutors). Also having access to these records are the Computing Center and Academic Performance, the Freshman Advisory Council, and statistical analysis groups.

Professor Arthur C. Smith, head of the Institute Committee on Privacy, has asserted that it is "generally appropriate that they have access. They are agents of MIT, and it is assumed that they will act responsibly." He told The Tech that he feels "they should keep some kind of record of who has access to individual records."

The Buckley Amendment states that "an educational agency or institution shall, for each request and for each disclosure of personally identifiable information from the education records of a student, maintain a record kept by the education records of the student which indicates . . . the parties who have requested or obtained personally identifiable information from the education records of the student, and the legitimate interests these parties had in requesting or obtaining the information." MIT does not necessarily follow these guidelines precisely, according to Smith, who, commenting on the records of access, said, "I'm not sure how well it is implemented." Furthermore, Smith pointed out, "a formal request is needed to find out [records of disclosure]."

The federal regulations also provide that "the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the student. Such consent is not required if there is a "relatively free exchange of information in the Institute, usually for those who need to know." He also noted that grades are commonly sent to "graduate admissions chairmen, presumably because they have some reason to know." These records, Smith, "are of those who are applying to graduate school."

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"There is some group or person who maybe is applying to graduate school in that institution," Smith pointed out, "but there is a restriction of access to outside institutions. MIT boasts restrictions stronger than the law demands. The Institute requires a "written request" from the student, although the federal statute only provides for a "reasonable attempt to notify" the student.

Smith did admit that "the flow of information at the Institute is large and poorly understood system," but he added that the Committee may be "trying to formulate and recommend guidelines."

The Institute Committee on Privacy, which has been headed by Smith for about three years, has never published a single document. According to Professor Sirinley, "a graduate student in mechanical engineering and a member of the Committee, the last statement on privacy released at MIT was the Final Report of the Ad Hoc Committee on the Privacy of Information at MIT, published May 19, 1971."

This largely inconsequential document was the culmination of a three-year study by an ad hoc committee formed by MIT president Howard Johnson and chaired by Professor Eugene B. Skolnoff. The ad hoc committee observed that "privacy is of particular significance at MIT. Privacy is a personal matter which depends on cultural background, experience and other factors," and "privacy has a price not only in direct expense but in the sacrifice at times of operational efficiency and personal convenience."

Despite this bureaucratic attitude, the ad hoc committee presented recommendations in the Report that foregrounded the progressive measures of the Buckley Amendment. Perhaps the report of the new Committee on Privacy, if there is ever to be such a report, will make further advances toward widespread respect of student privacy at MIT.

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