

January 31, 2022

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, D.C. 20202

Dear Secretary Cardona,

As you know, the Family Educational Rights and Privacy Act (FERPA) was enacted in 1974 to provide privacy protections to student education records. However, I have recently learned from conversations with constituents that FERPA enforcement has been inadequate, leaving students and parents with little to no control over the dissemination of internet metadata (search histories, websites viewed, keyword searches, etc.) to third-party vendors.

Because FERPA was enacted decades before the rise of the internet, one of my major concerns is that this legislation has not been able to keep up with the times. Clearly, I am not the only one worried: In July 2021, fourteen parents from nine states filed complaints with your department to raise concerns about the student information being gathered and the extent to which it is being shared with third-party vendors.¹ To my knowledge, they have not received adequate responses.

In an effort to provide students and parents with the clarity they deserve, I respectfully request answers to the following basic questions:

- To what extent is your department aware of cases of student metadata being shared with third-party vendors?
- Are parents and eligible students given the opportunity to opt out of sharing this data, and, if so, has your department found the opt-out process to be transparent?
- How is your department working to ensure that FERPA enforcement keeps pace with twenty-first century technology?

Protecting the privacy of my constituents will always be one of my top priorities. To that end, I appreciate your prompt attention to the questions above and look forward to your timely response.

Sincerely,



Tom Emmer
Member of Congress

¹ Peetz, Caitlynn. "MCPS Parents Help Lead Push for Better Federal Student Privacy Protections." Bethesda Magazine, <https://bethesdamagazine.com/bethesda-beat/schools/mcps-parents-help-lead-push-for-better-federal-student-privacy-protections/>. Accessed 26 January 2022.