

# How to Respond When Federal or State Officials Seek Information Regarding Students or Employees

*Guidance for University of Hawaii Faculty and Staff*

Although it is unlikely that state or federal law enforcement will contact you or your office seeking information, this guide will assist you in complying with laws, regulations, and University policies, while ensuring proper handling of requests or commands for information.

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## General Principles

- You should not, and have no responsibility to, provide information to a federal or state official requesting information *immediately* on a phone call or during an in-person visit. In almost all cases, the University will have at least three working days to respond.
- FERPA protects the privacy of information contained in student education records. Information from those records may be shared outside of the university only with the written consent of the student or if an exception to FERPA's consent requirement applies (e.g., health and safety emergency, employment records).
- Other laws and agreements similarly protect certain information of University employees.
- The Office of Legal Affairs and University General Counsel or your campus registrar are available to help guide you through issues regarding student privacy and to respond to requests for information.

## **If you receive by mail a subpoena or letter from a court or a federal or state agency requesting information about a student or employee:**

- Call the Office of General Counsel at (808) 956-2211.
- Scan the document and email a copy to the Office of General Counsel at [ogc@hawaii.edu](mailto:ogc@hawaii.edu). In your email, please include the date the document was received and how it was received. Please also include "subpoena" in the subject line of the email.
- The Office of General Counsel will review the subpoena or other document and work with the appropriate University administrators to respond.

## **If you receive a call or in-person visit from a federal or state official or other individual who is delivering a subpoena or requesting information about a student or employee:**

- Inform the individual that the University has protocols in place to make sure inquires are addressed in an appropriate and timely manner. You should not, and have no responsibility to, provide information *immediately* upon their request.
- If you are given a document, read the document to ensure you are the person (or custodian of records) to whom the document is addressed. If asked to sign a proof of service form, make a copy of the form before returning the original to the official.
- If you are not the person or custodian of records to whom the subpoena or document is addressed, you should not accept the document. If the official needs additional assistance, please refer them to the Office of General Counsel, Bachman Hall 101.
- If the individual is orally requesting information, ask the individual to send the request in writing on official agency letterhead to you. Let them know that someone will follow-up after we have had a chance to review.
- Write down the individual's identifying information, including: Name, Badge Number, Title, Contact Information, Time of Visit/Call, Information they are seeking. Most law enforcement carry business cards and will be happy to provide them to you.
- Contact the Office of General Counsel at (808) 956-2211 and send that information to a staff member in the Office at [ogc@hawaii.edu](mailto:ogc@hawaii.edu). Please put "subpoena" in the subject line. The Office of General Counsel will review the request and work with the appropriate administrators to determine how to respond.
- If the official asks to speak with a University representative before leaving the premises, contact the Office of General Counsel at (808) 956-2211.