

## IRB Guidance: Data Release Agreements

This guidance addresses requirements when receiving research data or other information covered by a contract, MOU, data sharing and/or data transfer and use agreement.

Many research projects include a contract or other legal agreement as part of the

Records from governmental agencies or corporations.

Student record information.

Existing, identifiable human subjects data.

A limited or restricted use data set.

Family Educational Rights and Privacy Act (FERPA) and Data Release Agreements

The Family Educational Rights and Privacy Act (FERPA) requires a written agreement to disclose Personally Identifiable Information (PII) from educational records without consent. These written requirements must meet the Code of Federal Regulations (CFR) 99.31(1)(6)(iii)(C) or 99.35(a)(3).

It is important for researchers to read the terms of a Data Release Agreement before forwarding it to a signatory for review and approval. It is the researcher's responsibility to understand and follow the terms of the agreement and to only use data for purposes specified in the agreement. Campus signatories assume that a researcher who transmits a Data Release Agreement has read and agrees to conform to those terms on the agreement itself.

\*All questions regarding Data Release Agreements routed through