

## Section III. Regulations

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### Part I. Idaho Code

1. *The Public Records Law.* The primary legislation, or rule of law, applicable to state agency records in Idaho is the Public Records Law, or Title 9, Evidence, Chapter 3, Public Writing, commonly noted as 9-337 through 9-347. These codes include language detailing public records definitions, rights of the public to examine public records, some exemptions (which do not relate to typical higher education conditions), and the directive requiring agencies to have guidelines on how to manage their records.
2. *Other Laws.* While the Public Records Law is quite broad, some records-related areas have been further specified in additional Idaho Code.  
*Records Management Manual.* State Government and State Affairs/Department of Administration 67-5752.  
*Photographic or Digital Retention of Records.* Evidence, Public Writing, 9-328.  
*Preservation of Records – Written Contracts – Void Contracts.* State Government and State Affairs/Department of Administration 67-5725.  
*Retention of Electronic Records – Originals.* Commercial Transactions/Uniform Electronics Transactions Act 28-50-112.

### Part II. Federal Regulations

1. *U.S. Department of Education. FERPA – Family Education Resource Privacy Act.* Sometimes called the Buckley Amendment. This suite of regulations details aspects of proper dealings of state and federal agencies with respect to students, their educational information, and the rights and restrictions placed on agency staff, family members and the public where access to information is concerned. This regulation applies to K-12 under one section of the law, to higher education under another. It results in records requirements that must be adhered to until the death of the student.
2. *Nuclear Regulatory Commission.* For some institutions, the addition of nuclear medicine or physics programs including the use of radiological materials as part of laboratory programs can bring them under the rules of this commission.
3. *Environmental Protection Agency.* A wide variety of institutional programs can bring an institution under EPA guidance. From the use of CFCs for air conditioning systems, to the disposal requirements for laboratory materials, universities and colleges must be prepared to handle this documentation.
4. *U.S. Wage and Hour/Internal Revenue Service/Americans with Disabilities Act.* A wide variety of federal agencies and programs have regulations that apply to higher education.

## Part III. Oversight Organizations

1. *AACRAO – American Association of College Registrar and Admissions Officers.* The organization is authorized by the U.S. Department of Education to communicate the standards and requirements for student registration and admissions records, with attention to FERPA. Compliance with AACRAO guidance is also directly tied to institutional federal financial aid eligibility.
2. *NCAA – National College Athletics Association.* Less formal than AACRAO, this organization is tied to the U.S. Department of Education financial aid eligibility system, as well as Title IX and ADA.
3. *NACUBO - National Association College & University Business Officers.*
4. *OSFAP, Office of Student Financial Assistance Programs,* <http://www.ed.gov/offices/OSFAP/> This arm of the U.S. Department of Education has been formed to assist federal aid-granting agencies and higher education institutions with the changes and complexities of student financial aid requirements.

### *Records Management Organizations:*

5. *Academy of Certified Archivists* – For guidance on the administration of institutional archives and the certification of archivists.
6. *National Association of Government Archives and Records Administrators* (NAGARA). A national organization of records managers and archivists primarily from state and municipal agencies, as well as educational institutions.
7. *The Institute of Certified Records Managers (ICRM).* An international certifying organization of and for professional records and information managers.