

Civil Action No. 1:12-cv-00327 (ABJ)

EXHIBIT A

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION	)	
CENTER, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:12-cv-00327 (ABJ)
	)	
THE UNITED STATES DEPARTMENT	)	
OF EDUCATION,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF PLAINTIFF GRAYSON BARBER**

I, GRAYSON BARBER, of full age, hereby declare to the best of my knowledge and belief:

1. My name is Grayson Barber. I reside in Princeton, New Jersey. I am a plaintiff in this case.
2. I am an attorney and privacy advocate with a small law practice and I work as a volunteer attorney for organizations like the ACLU and the Privacy Rights Clearinghouse. My biggest single client is the Intellectual Freedom subcommittee of the New Jersey Library Association. I am immediate past chair of the Individual Rights Section of the New Jersey State Bar Association. I served on the New Jersey Privacy Study Commission and the state Supreme Court Special Committee on Public Access to Court Records.
3. I am a member of the Board of Directors of the Electronic Privacy Information Center.
4. I received my B.A. in 1978, from Pomona College in Claremont, CA. I received an M.A. from Princeton University in 1980. From 1987 to 1991, I attended law school and received a J.D. from Rutgers, the State University, in Newark, NJ. In 2010, I matriculated

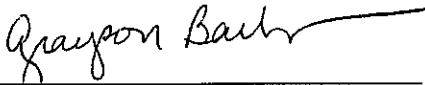
again at Rutgers, the State University, where I attended the School of Communication and Information for two months.

5. Rutgers, the State University, is subject to the statutory requirements under the FERPA because it receives federal funding.
6. Rutgers, the State University continues to maintain education records about me.
7. I object to any disclosure of my education records that arise from the 2011 FERPA regulations.
8. In particular, I do not want the information I disclosed to Rutgers to be re-disclosed to non-governmental actors for purposes I cannot discern, without my authorization.
9. I have a minor child who attends public school in New Jersey. The 2011 FERPA regulations would allow unknown third parties to access personally identifiable data about my child and endanger my ability as a parent to make decisions about my child's education records.
10. I believe I am adversely affected by the 2011 FERPA regulations because they permit Rutgers to disclose sensitive personal information about me without my consent. It may be incorporated, for example, in databases that are used for employee background checks. By matching my Rutgers education records to other records, a non-educational institution with which I have no personal connection would be able to create a detailed dossier about me for reasons I cannot discern.
11. My Rutgers education records, if released inappropriately, may be used in part for the purpose of computing my credit score. My credit score is important, not only for borrowing money, but for an increasing number of ordinary transactions. Prospective employers, landlords, and many others look at credit scores. A troubling recent use of the

credit score is by insurance companies to establish rates. It has been documented that insurers may raise an individual's rates or even deny coverage based on the credit score. For example, the credit record can cause one's auto insurance premiums to increase, even if one has a perfect driving record.

12. My Rutgers education records, if obtained by commercial institutions, may be used for consumer profiling and "dynamic pricing." It has been documented that financial institutions use consumer profiling to restrict choices, and mislead or exclude consumers.
13. Since accountability and oversight are lacking for commercial databases, I do not want my Rutgers education records to be used as input to any commercial database. I rely on FERPA to ensure the confidentiality of the information I disclosed to Rutgers, the State University.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed in Washington, D.C. on January 14, 2013.

  
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GRAYSON BARBER  
Member,  
EPIC Advisory Board  
EPIC Board of Directors