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## **UCLA Policy 603: Privacy of and Access to Information (Legal Requirements)**

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Issuing Officer: Associate Vice Chancellor, Business & Financial Services  
Responsible Dept: Corporate Financial Services  
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### **I. REFERENCES**

1. UCLA Procedure 603.1, for implementing procedures and Attachment A for additional laws and references.

### **II. STATEMENT**

The University supports the principle that access to information concerning the conduct of business in a public university is a right of every citizen. It further supports the principle of securing to Individuals their fundamental rights of privacy regarding their access to and disclosures from Records which pertain to them.

This document explains the general legal requirements governing privacy of and access to information, and establishes campus procedures to implement requirements of the State of California Information Practices Act. The legal requirements apply to general University Records. They supplement established University student, academic, and staff personnel policies which govern maintenance and access to Records. Assistance in interpreting this policy is available from the Records Management Coordinator.

### **III. ACCESS TO UNIVERSITY RECORDS**

#### **A. California Public Records Act (Public Access to University Records)**

1. Application to the University: The California Public Records Act provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every Person in this state; that public Records must be open to public inspection during regular office hours; and that every citizen has the right to inspect any public Record except as provided in the Act.
2. Records Not to be Made Public: The following are not public Records under the California Public Records Act:
  - a. Any Record for which it can be demonstrated that the public interest served by not making the Record public clearly outweighs the public interest served by disclosure of the Record.
  - b. Preliminary drafts, notes, or intra-University memoranda not retained by the University in the ordinary course of business, provided that the public interest in withholding such material clearly outweighs the public interest in disclosure.

- c. Records pertaining to pending litigation to which the University is a party.
- d. Records or complaints to, or investigations conducted by, the campus Police Department or other agencies for correctional or law enforcement purposes.
- e. Test questions, scoring keys, and other examination data.
- f. Real estate appraisals, engineering feasibility estimates and evaluations, relative to the acquisition of property, or public supply and construction contracts, until all of the property has been acquired or contract agreement obtained.
- g. Library and museum materials acquired and presented solely for reference or exhibition.
- h. Any Record, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including provisions of the evidence code relating to the physician-patient, psychotherapist-patient, lawyer-client, and official confidence privileges.
- i. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of Personal privacy.

#### **B. Federal Privacy Act of 1974, Public Law 93-579**

1. Application to the University: The Federal Privacy Act is designed to safeguard the rights and privacy of Individuals from the encroachments of Federal agencies in maintaining Records on Individuals. Except with respect to social security numbers, it applies to the University only in the relatively few instances when the University enters into a contract (not a grant) with a Federal agency and in which the University agrees to undertake the design, development, or operation of a System of Records on Individuals which accomplishes a function of the Federal sponsoring agency. Additional information may be obtained from the Office of the Records Management Coordinator, the General Counsel's Office, or the Office of the Campus Counsel.
2. University Use of Social Security Number: The Federal Privacy Act does pertain to the University in relation to use of the social security number. Rules for collecting social security numbers and sample wording to be used are set forth in UCLA Policy 602, Section IV.

### **IV. ACCESS TO PERSONAL DATA**

State of California Information Practices Act of 1977 (Privacy of and Access to University Records Pertaining Specifically to Personal Data)

#### **A. Definitions of Personal Data:**

The Information Practices Act guarantees Individuals access to personal files maintained on them, with certain limitations, and sets forth provisions to govern the collection, maintenance, accuracy, dissemination and disclosure of information about them. Special procedures for providing access to and protecting the privacy of University Records containing personal data are required by the State of California Information Practices Act of 1977. All University Records which fall within the definitions of Personal Information and in Attachment B are covered by this Act including, but not restricted to personnel, business and financial, gift and endowment, alumni, patents, publication, medical, library and research Records, and excluding only those student Records which are specifically exempted from the law (see UCLA Policy 220 and references in Attachment A). Please note that the Information Practices law is not confined to what are traditionally referred to as Personnel Records.

**Individual**: A natural Person acting in his or her Individual and private capacity.

**Person**: Any natural Person, corporation, partnership, firm or association.

**Record**: A grouping of information about an Individual which is maintained by the Individual's name or by some identifying number or symbol or other identifying particular assigned to the Individual.

**System of Records**: One or more Records, which pertain to one or more Individuals, which are maintained by the campus from which information is retrieved by name of an Individual or by some identifying number, symbol, or other identifying particular assigned to the Individual.

**Personal Information**: Any information in any Record about an Individual which is maintained by the University and is not included in the definitions in Attachment B of confidential information (e.g., criminal law enforcement Records, written testing materials, some medical Records, etc.) or non-Personal Information (e.g., Individuals' names, campus phones or addresses, some statistical Records required by law, etc.).

Examples of Personal Information include but are not limited to home telephone numbers, citizenship, birthdates, social security numbers, education Records, business and financial transactions, medical and employment histories. (Note that an Individual's home address may be disclosed after the Individual has had the opportunity to request nondisclosure but does not so request.)

#### **B. Collection of Material Maintained (Privacy Notices on Forms)**

The campus will collect information to be maintained in a Record directly from the Individual to whom it relates to the greatest extent practical. If information is collected from another source, a Record of the source will be maintained in a readily accessible form. Only that information pertaining to Individuals which is relevant and necessary to accomplish a purpose of the University or is otherwise required or authorized by law shall be maintained. (Refer to UCLA Procedure, 603.1, Section III.A.)

#### **C. Access to Records**

1. General Requirements:
  - a. Each Individual shall have the right to inquire and be notified as to whether the University maintains a Record about himself or herself.
  - b. When an Individual asks a department whether or not it holds Records pertaining to the Individual, the department's response shall include the location of the Record, responsible custodian, and shall include an explanation of procedures to contest the Records' contents.
  - c. The campus shall develop procedures whereby Individuals, including but not limited to University employees and officials, Individuals not employed by the University, governmental agencies, corporations, partnerships, firms, and associations, can appeal a University decision regarding Personal and confidential information.
  - d. Information provided by the University will be in a form reasonably comprehensible to the general public.
  - e. The campus may not disclose any Personal or confidential Information which it maintains on an Individual unless allowed under the guidelines contained in Attachment C.
2. Specific Requirements for access to Personal Information by the Individual subject of the Record, by University employees or officials, or by others are contained in Attachment C.
3. Locating the Record for Access:

If the campus cannot locate a Record by reference to the Individual's name only or when locating a Record by name only would be an unreasonable administrative burden, the

campus may require the Individual to give additional identifying information to aid in locating the Record.

#### **D. Recording of Access to Records**

The campus shall maintain Records of disclosure of Personal Information which are made without the subject's request:

1. Pursuant to a determination by the University that compelling circumstances exist which affect the health or safety of an Individual.
2. Pursuant to any subpoena, court order, search warrant or other compulsory legal process; to a law enforcement agency when required for an investigation of criminal activity.
3. To a governmental agency as required by law or to fulfill a constitutional or statutory duty, unless a notice of the type of disclosure has already been provided at the time of collection. (Refer to Section IV.B above).

Refer to UCLA Procedure 603.1, Section III.B.

#### **E. Fees**

The campus may charge a fee per page for copies of any Records requested. The fee may be requested in advance and an extra charge may be levied to reflect the actual cost to the University in the event that Records need to be abstracted. Charges for student transcripts may be at the prevailing national rate. No charge shall be made for the first copy of a staff employee's own Record.

#### **F. Amendments and Corrections to a Personal Record**

The campus shall permit an Individual to request in writing an amendment of a Record and shall, within 30 days of the date of receipt of such request:

1. Make each correction and inform the Individual of such corrections; or
2. Inform the Individual of its refusal to amend the Record. (Refer to UCLA Procedure 603.1, Section III.C).

#### **G. Records Systems Procedures**

Procedures for the collection and maintenance of information in each Records system shall be established and contain safeguards and rules of conduct (see Attachment D).

#### **H. Reports**

Once a year, the campus shall send to Systemwide Administration, for transmittal to the State Office of Information Practices, as is required by law, information compiled from each campus office by the Office of the Records Management Coordinator, (Refer to UCLA Procedure, 603.1, Section III.D).

#### **I. Civil Remedies and Penalties**

The Information Practices Act of 1977 makes available to Individuals various civil remedies. These apply if the University fails to comply with an Individual's lawful request to inspect Personal Information or maintain Records in such way as to comply with the Information Practices Act. (Additional information is available from the Office of the Records Management Coordinator).

### **V. ATTACHMENTS**

- A. References to Additional Laws and University Policies

- B. Definitions of Personal, Non-Personal, and Confidential
- C. Access to Personal Information
- D. Records Systems Safeguards and Rules of Conduct for University Employees Involved with Information Regarding Individuals

**Issuing Officer**

**/s/ Sam J. Morabito**

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**Associate Vice Chancellor, Business &  
Financial Services**

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**Questions concerning this policy or procedure should be referred to  
the Responsible Department listed at the top of this document.**

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**ATTACHMENT A****References to Additional Laws and University Policies****General**

- UCLA Policy 311, Access to and Use of University Mailing List ,
- UCLA Policy 602, Federal Privacy Act, Notices Regarding Social Security Numbers.
- UCLA Policy 220, Disclosure of Information from Student Records,
- UCLA Procedure 603.1, Privacy of and Access to Information (Collection, Disclosures, Amendments, and Inventory).

**Student Records**

- University Policies Applying to the Disclosure of Information from Student Records, 1/20/78.
- Federal Family Educational Rights and Privacy Act (Buckley Amendments).
- State of California Education Code, Title 3, Division 5, Chapter 13, §67100 through 67147.

**Personnel Records**

- University of California Staff Personnel Policy 605, Staff Personnel Records.
- University Policy Relating to Maintenance and Use of Academic Personnel Records and to Procedural Safeguards Designed to Assure Fairness in the Academic Personnel Process, 9/15/77.
- University of California Academic Personnel, Section 160, Maintenance of, Access to, and Opportunity to Request Amendment of Academic Personnel Records. Section 220, Professor Series Appointment and Promotion.

**ATTACHMENT B****Definitions of Personal, Non-Personal, and Confidential****Personal Information**

Any information in any record about an individual which is maintained by the University and is not included in the definitions of non-personal and confidential information in items B and C below. Examples include but are not limited to home telephone numbers, citizenship, birth dates, social security numbers, education records, business and financial transactions, medical and employment histories. (Note that an individual's home address may be disclosed after the individual has had the opportunity to request nondisclosure but does not so request.)

**Non-Personal Information**

Information consisting only of names, campus addresses, campus telephone numbers, and other limited factual data which could not, in any reasonable way:

- Reflect or convey anything detrimental, disparaging, or threatening to an individual's reputation, rights, benefits, privileges, or qualifications; -or-
- Be used to make a determination that would affect an individual's rights, benefits, privileges, or qualifications;

A campus telephone book or directory;

A card catalog of any campus library, or the contents of any book listed within the card catalog;

A mailing list (consisting only of names and addresses) used exclusively by the campus or the University (see UCLA Policy 311);

Records required by law to be maintained and used solely as a system of statistical records, as long as such records are not used in making any determination about an identifiable individual.

**Confidential Information**

Any record pertaining to:

- The enforcement of criminal laws;
- Written testing or examination material, or scoring keys used to determine individual qualifications for appointment or promotion, or for academic examination;
- Medical, psychiatric, or psychological material if the campus determines that disclosure would be medically or psychologically detrimental to the individual;
- Investigative materials (including their sources) maintained for the purpose of investigating a specific violation of a state law as long as an investigation is in process and is necessary to protect law enforcement activities;
- Medi-Cal related health care service claims.

## ATTACHMENT C

### Access to Personal Information

#### Access by Individual Subject of the Record

Records containing personal information shall be made available to the individual subject of the record upon an unsolicited written or oral request and with proper identification.

1. A record shall be made available within 30 calendar days of the request except that a record located at a storage center shall be made available within 60 calendar days. Failure to reply to the request within these time periods shall be considered a denial of the request.
2. The record or an exact copy of the record may be inspected at the campus. An individual may have an exact copy of all or any portion of the record within 15 calendar days of the inspection. If the individual requesting access cannot come to the campus to inspect records, the individual may request, in writing, that the University mail an exact copy of the records to a designated address. Such written request shall be accompanied by a certification that the requestor is the individual to whom the information pertains. A sample request and certification form are available from the Records Management Coordinator.
3. Information, including letters of recommendation, compiled for the purpose of determining suitability, eligibility or qualifications for employment, re-appointment, advancement, or promotion, and received with the promise that the identity of the source of the information would be held in confidence (or, if compiled prior to 7/1/78, with the understanding that the identity of the source of information would be held in confidence) shall be released to the individual to whom the information pertains as follows:
  - A copy of the text of the material with such deletions made as necessary to protect the identity of the source of the information; or
  - A comprehensive summary of the information. (Only in this form for academic personnel.)

However, the identity of the source of the information shall be released to the individual if the source is the employee's supervisor, unless the supervisor is a chairperson of an academic department.

Full disclosure shall be made to the individual of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to any individual's reputation, rights, benefits, privileges, or qualifications, or be used by the campus to make a determination that would affect an individual's rights, benefits, privileges, or qualifications.

Note: (1) A record containing confidential information shall not be available to the individual subject of the record, except that medical, psychiatric, or psychological material will be made available when the campus determines that disclosure would not be medically or psychologically detrimental of the individual. If determined that disclosure would be medically or psychologically detrimental to the individual, the information shall, upon written authorization of the individual, be disclosed to a physician, psychiatrist, or other licensed medical or psychological personnel designated by the individual to whom the record pertains. An individual will be notified within 30 calendar days of a request if the record is a confidential one and not releasable to him or her. (2) In disclosing information in a record to any individual, the campus will not disclose any personal information relating to another individual or any confidential information in the record.

#### Access by University Employees and Officials

University of California employees, officials, or volunteers shall have access to specific information in the records when necessary to the performance of their assigned duties and if the use of such records is consistent with the purpose(s) for which the information was acquired.

**Access by All Others:**

The campus will not disclose any personal information maintained on an individual to others unless:

1. The individual to whom the record pertains has given prior written consent within 30 calendar days of the disclosure or within a time limit specified by the individual in the written consent.
2. The individual to whom the record pertains has a duly appointed guardian or conservator, or is represented by another person and it can be proven with reasonable certainty that such person is the authorized representative of the individual to whom the information pertains.
3. The information is available to members of the public in accordance with provisions of the California Public Records Act. This includes information which is a part of an individual's employment contract with the University. The following information shall be released to a member of the public upon request: the employee's date of hire, current job title, current rate of pay, organizational unit assignment, and current job description.
4. The campus has received advance, adequate, written assurance that the information will be used solely for statistical research or reporting purposes, and the information is in a form that will not identify an individual.
5. The transfer of the information to a person or state agency is necessary for the requesting agency to perform its constitutional or statutory duties, and such use is compatible with a purpose for which the information was collected.
6. The record is requested under a state or federal law and is released to a governmental entity.
7. The campus determines that compelling circumstances exist which affect the health or safety of an individual. A notice that the information has been disclosed will be sent to the individual at his or her last known address.
8. The disclosure is pursuant to a subpoena, court order, or other circumstances where the University is required by law to release the information, if, before the disclosure, the campus reasonably attempts to notify the individual.
9. The disclosure is pursuant to a search warrant.
10. The disclosure is to a law enforcement agency when required to an investigation of a criminal activity, unless such disclosure is otherwise prohibited by law.
11. The information, is to a department of the University or a nonprofit educational institution conducting scientific research, provided the request for information includes assurances of the need for personal or confidential information; procedures for protecting the confidentiality of the information; and assurances that the personal identity of the subject shall not be further disclosed in individually identifiable form.
12. The disclosure is in response to a request by a prospective non-University employer who, in the judgment of the department head/division leader, has a legitimate interest in receiving such information. In such a circumstance, a department head/division leader may provide a general oral evaluation of an individual on a confidential basis.
13. The disclosure is to a committee of the State Legislature or to a member of the State Legislature when the member has the permission of the individual to whom the information pertains.

**ATTACHMENT D****Records Systems: Safeguards and Rules of Conduct for University Employees Involved with Information Regarding Individuals**

As specified in the Information Practices Act of 1977, procedures for the collection and maintenance of information in each records system shall include:

Safeguards established to ensure the security and confidentiality of the records, and to control access to the records.

Rules of conduct for employees responsible for the collection, maintenance, and disclosure of information in the records, or for the design of record systems (as summarized in items 1-8 below):

1. Employees responsible for the collection, maintenance, use, and dissemination of information about individuals which relates to their personal life, including their employment and medical history, financial transactions, and marital status and dependents, shall comply with the provisions of the State of California Information Practices Act. The legal requirements summarized in UCLA Policy 603, shall be used as a basic source of guidance in administering the Act's provisions.
2. Employees shall not require individuals to disclose personal information which is not necessary and relevant to the purposes of the University or to the particular function for which the employee is responsible.
3. Employees shall make every reasonable effort to see that inquiries and requests relating to personal records of individuals are responded to quickly and without requiring the individual to repeat unnecessarily his or her inquiry to others. In other words, reasonable efforts will be made to place the responsibility on the department for responding to the individual after his/her initial contact.
4. Employees shall assist individuals who seek information pertaining to themselves in making their inquiries sufficiently specific and descriptive so as to facilitate locating the records.
5. Employees shall respond to inquiries from individuals, and requests from them to review, obtain copies of, amend, correct, or dispute their personal records in a courteous and businesslike manner, and in accordance with UCLA Policy 603.
6. Employees shall not disclose personal and confidential information relating to individuals to unauthorized persons or entities. The intentional disclosure of such information to such persons or agencies may be cause for disciplinary action.
7. Employees shall not seek out or use personal or confidential information relating to others for their own interest or advantage. The intentional violation of this rule may be cause for disciplinary action.
8. Employees responsible for the maintenance of personal and confidential records shall take all necessary precautions to assure that proper administrative, technical, and physical safeguards are established and followed in order to protect the confidentiality of records containing personal information and to assure that such records are not disclosed to unauthorized individuals or entities.

Information on the physical location of the records, and on the retention periods for the records.

Processes for:

1. Maintaining accurate, relevant, timely and complete records.

2. Ensuring that an individual's name and home address are not distributed for commercial purposes, sold or rented by the campus unless specifically authorized by UCLA Policy 311, Access to and Use of University Mailing Lists. Upon written request of any individual, the campus will remove that individual's name and home address from a campus mailing list, unless the mailing list is used exclusively by the campus to contact that individual.
3. Ensuring that no information is modified or destroyed in order to avoid compliance with the Information Practices Act of 1977.

Extension of the requirements of the Information Practices Act to any personal or confidential records maintained or operated for the University under contract.