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### Background Information on TALX:

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To avoid release of W-2 data to TALX, an employee would have had to respond to one of three innocuous-looking e-mail messages from UC Davis administrators sent in late December, 2006 and early January, 2007, with the following dates and subjects:

- (1) Monday, Dec. 18: Electronic W-2 Statement on UC's At Your Service Website
- (2) Wed. Dec. 20: Extended Deadline for Electronic W-2 Statement on UC's At Your Service Website
- (3) Tue. Jan. 9: REMINDER - ELECTRONIC W-2 & TALX OPTIONS DEADLINE TOMORROW, WED 01/10/07 AT 12 NOON!

The subject lines of the first two e-mail messages concern W-2 information on the University's own website. The subject line of the last message, a "reminder" with a deadline the following day, only mentions TALX as an option, as if the choice of TALX was "opt in", not "opt out."

In the body of the first message, the issue of transmitting personal data to TALX only comes up toward the end of the third paragraph, although TALX is identified as a third party and instructions are given on how to block transmission of data to TALX via the AYSO website. The second message, issued when many employees were away from campus, discusses the ability to OPT OUT of the TALX service but does not explicitly refer to TALX as a third party. The third message does identify TALX as a third party and gives instructions on how to block transmission of personal data to TALX. But this came only one day before the deadline.