

UC Davis Policy and Procedure Manual

Chapter 320, Records and Archives

Section 20, Privacy of and Access to [Personal Information](#)

Date: ~~5/11/09, rev. 7/8/09~~1/31/17 Draft

Supersedes: ~~5/14/04~~5/11/09

Responsible Department: Campus Counsel

Source Document: [California Information Practices Act](#). [UC Business and Finance Bulletin, RMP Series, Records Management and Privacy](#)

[Exhibit A, Authorization to Disclose Personnel Record Information to Third Party](#)

[Exhibit B, Record of Disclosure](#)

[Exhibit C, Rules of Conduct for University Employees Involved with Information Regarding Individuals](#)

I. Purpose

- A. This section describes ~~UCD~~the policy and procedures ~~needed to comply regarding privacy and access to personal information about individuals in accordance~~ with the California Information Practices Act (regarding information privacy) and the California Public Records Act (regarding public access to information).
- B. For information concerning the Federal Privacy Act and the use of Social Security numbers, see [Section 320-22](#).
- C. The provisions of this policy also apply to student records except when inconsistent with the [Family Federal Educational Rights and Privacy Act of 1974 \(FERPA\)](#). [See Section 320-21](#).
- D. [Information related to the California Public Records Act and access to public records is available in Section 320-19.](#)

II. Definitions

- A. California Information Practices Act (IPA) ~~g~~ ~~The California Information Practices Act~~ guarantees ~~individuals~~ ~~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 Information Practices Act.
- B. ~~California Public Records Act (PRA)~~ ~~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 upon request public records must be available to public inspection within a reasonable time; and that every citizen has the right to inspect any public records except as provided in the Act.~~
- C. ~~Non-personal information~~ ~~the~~ ~~The law requires that the following types of~~ ~~actual~~ information, ~~the disclosure of which would not constitute an unwarranted invasion of personal privacy~~, about employees ~~shall~~ ~~must~~ be released to the public upon request. ~~See the full definition in Section VII.B.~~ These types of information ~~might~~ include ~~but are not limited to~~:
1. Name
 2. Date of hire or separation
 3. Current position title
 4. Current rate of pay
 5. Organizational unit, office address and phone number
 6. Current job description

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7. Full-time or part-time
8. Appointment type
9. Prior non-University employment

CD. Personal information—~~i-~~Information about employees, the release of which would constitute an unwarranted invasion of personal privacy. ~~See the full definition in BFB RMP-8 Section VII.B.~~ These types of information ~~might include~~ but are not limited to:

1. Home telephone number
2. Home address
3. Name of spouse or other relatives
4. Birthdate
5. Social security number
6. Citizenship
7. Attendance records
8. Income tax withholding
9. Health care records
10. Performance evaluations

~~E.~~ ~~Other terms--Other terms used in this section, such as "public record," are defined in BFB RMP-8 Sections VI and VII.~~

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III. Policy

- A. ~~Access. Access to information about the conduct of business in a public university is a right of every citizen. Requests for records should be in writing and must reasonably describe an identifiable record.~~
- B. ~~Privacy. Individuals have a fundamental right of privacy. It is the policy of tThe University to protects individual privacy. interpret the Information Practices Act liberally to the benefit of the individual. Where privacy. Where discretion is allowed, the protection of privacy should override the option to disclose. See IV, below for more information.~~
- BC. ~~Responsibilities.~~ Department heads are responsible for establishing procedures for maintaining records in accordance with this policy, and for appointing records custodians to perform the following functions:
1. Collect information in accordance with IV.A, below.
 2. Identify information received in confidence that must be redacted before release in accordance with IV.B.21,b(4), below.
 3. Secure records and prevent unauthorized access.

CD.

Department heads (or their designee) have the authority to respond to requests for records, in consultation with the Information Practices Coordinator, as needed.

1. Instead of responding directly to the request, tThe department head may refer the requestor to the Information Practices Coordinator instead of responding directly to the request.

Authority. The department head has the authority, which may be redelegated, to disclose a

record, except as noted below.

1. The Information Practices Coordinator is available to assist with responding to records requests.
2. Instead of responding directly to the request, the department head may refer the requestor to the Information Practices Coordinator.
3. If a record does not exist that contains the information requested, the University is not required to create such a record.

24. In disclosing information to an individual, no personal information relating to any other individual shall must not be disclosed.

5. Records of applicants and former employees can only be disclosed by the appropriate academic or staff personnel office.

6. Requests to release internal investigations (such as audits) shall must be referred to the Executive Vice Chancellor.

E. Records exempt from disclosure. Certain records or portions of records are exempt from disclosure under the Public Records Act. See BFB RMP-8 for more information. Consult the Information Practices Coordinator before withholding data based on these exemptions. The most common ones concern:

1. Preliminary drafts and notes, in limited circumstances.
2. Records pertaining to pending litigation.
3. Personnel, medical, or similar files, when disclosure would constitute an unwarranted invasion of personal privacy.
4. Privileged information (for example, trade secrets, or communication between physician and patient, or lawyer and client).

F. Time limits. UC must state whether it will produce the requested records, and if so, provide the estimated time when the records will be made available, within 10 calendar days as described in BFB RMP-8 Section VI.B.2. The records must be produced within a reasonable time.

G. Media requests. Requests for information by the media should be referred to the News Service Office, UCDHS Hospital Public Affairs Office, or School of Medicine Public Affairs Office, as appropriate.

IV. Charges for Copies of Records

A. The following costs of duplication may be charged:

1. For requests pursuant to the California Public Records Act, 20 cents per page generally will be charged for routine photocopying to cover direct costs.
2. For requests pursuant to the California Information Practices Act, see V.B.1.b.(2), below.

B. An estimate of costs shall be provided. The department may require payment before making the copies.

C. Charges may not be made for:

1. Locating, reviewing, redacting, or assembling records, except for some types of data stored in electronic format.
2. The first copy of a current or former employee's central or departmental personnel file.

V. Information about Individuals

The Information Practices Act contains special rules that apply to any record that identifies or

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describes an individual (i.e., ~~Note that the Information Practices Act~~ is not confined to personnel records).

A. Collection of information

1. The campus will collect information directly from the individual to whom it relates to the greatest extent possible. If information is collected from another source, a record of the source will be kept. Only information that is relevant and necessary for a business purpose ~~shallis-be~~ maintained.
2. ~~UC-The University shall~~ provides a privacy notice on or with any form used to collect personal information from individuals.

~~See BFB RMP-8 Section VII.D and exhibits containing sample notices.~~

3. Every UC Davis record system ~~shall~~ must be maintained in accordance with ~~the provisions identified in the IPA, such as including but not limited to: requirements in BFB RMP-8 Section VII.C. Some of the important provisions include:~~
 - a. Safeguards to ensure the security and confidentiality of the records and to control access to the records.
 - b. Rules of conduct for employees who have access to the records.
 - c. Processes for maintaining accurate, relevant, timely, and complete records.
 - d. Processes for ensuring that the use of information for mailing lists is in accordance with ~~the provisions of the IPA, which includes letting individuals know the purpose of the list; prohibiting the distribution, rental or sale for commercial purposes, unless specifically authorized by law; and upon receipt of a written request, removing an individual's name from a list, unless it is used exclusively for the purpose of directly contacting the individual. BFB RMP-8 VII.C.5.~~
 - e. Processes for ensuring that ~~no~~ information is ~~not~~ modified or destroyed in order to avoid any disclosure required by law.

B. Access to records

1. Access by individual subject of the record
 - a. An individual ~~shallhas-have~~ the right to inquire and be notified as to whether the University maintains a record about him or her.
 - b. Records containing personal information ~~shall~~ must be made available to the individual subject of the record upon written or oral request and with proper identification, except for certain confidential information.
 - 1) All disclosable information ~~shall~~ must be made available within 30 calendar days of the request (for dispersed or remote locations, 60 calendar days).
 - 2) When an individual inspects disclosable information the University ~~shall~~ must provide, upon the individual's written request, copies of such information within 15 days of the inspection, at a cost not to exceed ~~\$0-10~~ 10 cents per page.
 - 3) The law restricts the release of certain confidential parts of a record to the person who is the subject of the record, or to the public (~~for example, a~~ criminal investigation, and physical or psychological records). However, the individual must be notified that the record exists but that disclosure is not required by law.
~~For more information, see BFB RMP-8 Section VII.B.~~
 - 4) In rare circumstances, such as letters of recommendation, the source of

certain information that was received in confidence must be redacted prior to disclosure.

See [BFB RMP-8 Section VII.H and Academic Personnel Manual Section 160](#) for more information.

- 5) Upon written consent of the individual, information may be released to persons designated by the individual, if the request is made within the time limits specified in the consent, or within 30 days if no time limits are specified. [Exhibit A The Authorization to Disclose Personnel Record Information to Third Party](#) may be used as a format for the consent.

2. Access by University employees and officials

[UC](#) officers, employees, attorneys, agents, and volunteers may receive personal information if it is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired.

3. Access by public

- a. [UC](#) shall disclose non-personal information about individuals, as defined by the California Public Records Act, upon request (see [Section 320-19](#)).
- b. [UC](#) shall not disclose personal information, except in the limited circumstances described in [BFB RMP-8 Section VII.G.4](#). Examples of common exceptions are: consent of the individual or a guardian, conservator, or representative; requirement of law or a governmental agency; subpoena, court order, or search warrant; request of a law enforcement agency; or request of a member of the legislature, when acting on behalf of the individual.

4. Subpoenas

- a. Personnel information must be released pursuant to a subpoena or in other cases where the University is required by law to release the information.
- b. Before the disclosure, [UC](#) must reasonably attempt to notify the individual.
- c. Record the disclosures as described below.
 - 1) Contact either [the Office of the Campus Counsel \(main campus\) or Risk Management Services Health Information Management \(UCDMC\)](#) immediately when such a request is received.
 - 2) For more information about subpoenas, see [Section 320-30](#).

5. Amendments and corrections

Individuals have a right to correct or amend information about themselves. See [Academic Personnel Manual Section 160](#) or [Personnel Policies for Staff Members, and UCD Procedure 80](#).

C. Recording disclosures of personal information

- 1. The campus shall maintain records of certain types of disclosure of personal information:
 - a. Pursuant to a determination by the University that compelling circumstances exist that affect the health or safety of an individual.
 - b. Pursuant to any subpoena, court order, search warrant, or other compulsory legal process; or to a law enforcement agency when required for an investigation of criminal activity.

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- c. 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 (see [IV.A.2](#), above).
- 2. ~~Exhibit B~~The Record of Disclosure shall ~~form may~~ be used to record these disclosures unless another means of maintaining this information is used.
- 3. The department shall ~~must~~ retain the record of disclosure, and information ~~about regarding~~ unresolved disputes about the accuracy of the record, ~~as described in BFB RMP-8 Section VII.I~~. If a record is corrected within three years of disclosure, the department must follow the procedures in [BFB RMP-8](#) inform any person or agency to whom a record has been disclosed about the correction.

VI. Misuse of Records

- A. A University employee may not use University records for purposes other than those that are relevant and necessary to the performance of his or her duties. Any other use of such records must be requested by the employee as a member of the public, as described above.
- B. ~~The Rules of Conduct with respect to records concerning individuals are contained in Exhibit CA. The University has established Rules of Conduct for University Employees Involved with Information Regarding Individuals.~~ Failure to comply with these rules, or with any provision of the ~~Information Practices Act~~IPA, may result in disciplinary action in accordance with the applicable personnel policy or collective bargaining agreement.
- C. A person who obtains personal information from the University under false pretenses may be subject to criminal or civil penalties.
- D. If the University refuses to comply with an individual's lawful request to inspect their own information, that individual may bring a civil action against the University.

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VII. Further Information

- A. ~~Further information can be found on the Office of Campus Counsel website.~~
- B. ~~For Questions regarding this section or the appropriateness of disclosing information additional information regarding safeguarding of personal information or the appropriateness of maintaining or disclosing any information, contact should be referred to the Information Practices Coordinator, (530) 752-3949/754-6295 or by emailing publicrecords@ucdavis.edu.~~

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VIII. References and Related Policy

- A. [California Civil Code §1798-§1798.78, California Information Practices Act.](#)
- B. [Family Federal Educational Rights and Privacy Act of 1974 \(FERPA\).](#)
- C. [UC Personnel Policy for Staff Members Section 80, Staff Personnel Records.](#)
- D. [General](#)
 - 1. ~~UC Business & Finance Bulletins, RMP Series (http://www.ucop.edu/ucophome/policies/bfb/bfbrmp.html).~~
 - 2. ~~UC Davis Policy and Procedure Manual~~
 - 1. [Section 320-19, Access to Public Records.](#)
 - 2. [Section 320-21, Privacy and Disclosure of Information from Student Records.](#) Collection of Social Security Numbers (<http://manuals.ucdavis.edu/PPM/320/320->

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3. ~~Section 320-22, Collection and Confidentiality of Social Security Numbers, Disclosure of Information from Student Records,~~ (~~<http://manuals.ucdavis.edu/PPM/320/320-21.pdf>~~)

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EG. ~~Academic Personnel Manual~~ (~~<http://manuals.ucdavis.edu/APM/apm-toc.htm>~~; ~~<http://manuals.ucdavis.edu/spp/spp-toc.htm>~~)

1. Academic Personnel Manual Section 140, Non-Senate Academic Appointees/~~Appeals Grievances~~.
2. Academic Personnel Manual Section 158, Rights of Academic Appointees, Including Rights Regarding Records.
3. Academic Personnel Manual Section 160, ~~Academic Personnel Records~~/Maintenance of, Access to, and Opportunity to Request Amendment of ~~Academic Personnel Records~~.
4. Academic Personnel Manual Section 220, Professor Series.

~~FE.D. ~~Personnel Policies for Staff Members Policy and~~~~

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~~15. ~~Personnel Policies for Staff Members, Policy and~~UCD Procedure 80, Staff Personnel Records,~~

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UC Davis Policy and Procedure Manual

Chapter 320, Records and Archives

Section 19, Access to Public Records

Date: 1/31/17 Draft

Supersedes: New

Responsible Department: Campus Counsel

Source Document: California Public Records Act

I. Purpose

- A. This section describes the policy and procedures regarding requests to access public records in accordance with the [California Public Records Act](#).
- B. See [Section 320-20](#) for the policy and procedures regarding privacy of and access to personal information.

II. Definitions

- A. California Public Records Act (PRA)--provides that access to information concerning the conduct of business in a public university is a fundamental and necessary right of every person in this State; that upon request public records must be available to public inspection within a reasonable time; and that every citizen has the right to inspect any public records except as provided in the Act.
- B. Public Record—any information relating to the conduct of the University’s business, including but not limited to emails, handwritten notes, photographs, audio and video recordings. This includes not just the records that the University creates, but any in its possession.

III. Policy

- A. Requests for records should be submitted in writing and be specific enough to enable location of the record.
- B. Department heads (or designee) have the authority to respond to requests for records, in consultation with the Information Practices Coordinator, as needed.
 1. The department head may refer the requestor to the Information Practices Coordinator instead of responding directly to the request.
 2. If a record does not exist that contains the information requested, the University is not required to create such a record.
- C. Certain records or portions of records are exempt from disclosure under the PRA. Consult the Information Practices Coordinator before withholding materials or data based on these exemptions. Common exemptions included but are not limited to:
 1. Preliminary drafts and notes, in limited circumstances.
 2. Personnel, medical, or similar files, when disclosure would constitute an unwarranted invasion of personal privacy, see [Section 320-20](#).
 3. Privileged information (e.g., trade secrets, or communication between physician and patient, or lawyer and client).
- D. The University must state whether it will produce the requested records, and if so, provide the estimated time when the records will be made available, within 10 calendar days. The records must be produced within a reasonable time.
- E. Direct media requests for information to Strategic Communications, see [Section 310-40](#).

IV. Charges for Copies of Records

- A. Generally, 20 cents per page will be charged for routine photocopying to cover the direct cost of duplication. When electronic data is compiled or extracted, or if computer programming is required, additional charges may apply.
- B. An estimate of costs must be provided. The department may require payment before making the copies.
- C. Charges may not be made for locating, reviewing, redacting, or assembling records, except for some types of data stored in electronic format.

V. Further Information

- A. Visit the [Office of Campus Counsel website](#) for more information.
- B. For questions regarding this section or the appropriateness of disclosing information, contact the Information Practices Coordinator, (530) 754-6295 or publicrecords@ucdavis.edu.

VI. References and Related Policy

- A. [California Public Records Act.](#)
- B. [California Information Practices Act.](#)
- C. UC Davis Policy and Procedure Manual
 - 1. [Section 310-40](#), University Communications: Publications, Graphic Standards, Marketing, and Media Relations.
 - 2. [Section 320-20](#), Privacy of and Access to Information of Individuals.
 - 3. [Section 320-21](#), Privacy and Disclosure of Information from Student Records.
 - 4. [Section 320-22](#), Collection and Confidentiality of Social Security Numbers.