

UC Davis Policy and Procedure Manual

Chapter 320, Records and Archives

Section 20, Privacy of and Access to Personal Information

Date: 7/17/17

Supersedes: 5/11/09

Responsible Department: Campus Counsel

Source Document: California Information Practices Act

I. Purpose

- A. This section describes the policy and procedures regarding privacy and access to personal information in accordance with the [California Information Practices Act](#).
- B. Information related to the [California Public Records Act](#) and access to public records is available in [Section 320-19](#).
- 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. For information concerning the Federal Privacy Act and the use of Social Security numbers, see [Section 320-22](#).

II. Definitions

- A. California Information Practices Act (IPA)—guarantees an individual's access to personal records maintained about them, with certain limitations, and sets forth provisions to govern the collection, maintenance, accuracy, dissemination, and disclosure of this information. Special procedures for providing access to and protecting the privacy of University records containing personal data are required by the Information Practices Act.
- B. Non-personal information—factual information about employees, the disclosure of which would not constitute an unwarranted invasion of personal privacy, must be released to the public upon request. This type of information includes but is 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
 - 7. Full-time or part-time
 - 8. Appointment type
 - 9. Other information that would not be an invasion of personal privacy, protected by recognized legal privilege, or otherwise legally protected from disclosure
- C. Personal information—information about employees, the release of which would constitute an unwarranted invasion of personal privacy. This type of information includes but is not limited to:
 - 1. The individual's home telephone number and home address
 - 2. Spouse's or other relatives' names
 - 3. Birth date
 - 4. Social Security Number

5. Citizenship
6. Income tax withholdings
7. Health care records
8. Information relating to evaluation of performance and goal setting records
9. Individual elections related to health and welfare benefits, retirement, or investment programs
10. University home loan property address, value of property, loan application details
11. Drug test results, and
12. Child support/garnishments

III. Policy

- A. The University protects individual privacy. Where discretion is allowed, the protection of privacy should override the option to disclose. See IV, below for more information.
- B. 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. Provide access to records in accordance with IV.B below.
 3. Secure records and prevent unauthorized access.
- C. 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. In disclosing information, personal information relating to any other individual must not be disclosed.

IV. Information about Individuals

The IPA contains special rules that apply to any record that identifies or describes an individual (i.e., is not confined to personnel records).

- A. Collection of information
 1. The campus collects information directly from the individual to whom it relates, to the greatest extent possible.
 - a. If information is collected from another source, a record of the source is kept.
 - b. Only information that is relevant and necessary for a business purpose is maintained.
 2. The University provides a privacy notice on or with any form, document or record used to collect personal information from individuals.
 3. Every UC Davis record system must be maintained in accordance with provisions identified in the IPA, including but not limited to deploying:
 - a. Safeguards to ensure the security, confidentiality, and control of the access to 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 informing individuals of 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.
 - e. Processes for ensuring that information is not modified, transferred, 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 has the right to inquire and be notified as to whether the University maintains a record about them.
 - b. Records containing personal information 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 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 must provide, upon the individual's written request, copies of such information within 15 days of the inspection, at a cost not to exceed 10 cents per page. Current or former employees should not be charged for the first copy of their central or departmental personnel file.
 - 3) The law restricts the release of certain confidential parts of a record to the person who is the subject of the record (e.g., 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.
 - 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.
 - 5) Information may be released to persons designated by the individual through written consent if the request is made within the time limits specified in the consent or within 30 days if no time limits are specified. [The Authorization to Disclose Personnel Record Information to Third Party](#) may be used to provide consent.
 - 2. Access by University employees and officials

University 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 the public
 - a. The University discloses non-personal information about individuals, as defined by the California Public Records Act, upon request (see Section 320-19).
 - b. The University does not disclose personal information, except in limited circumstances (e.g., 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; 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, the University must reasonably attempt to notify the individual.
 - c. Record disclosures as described below.
 - 1) Contact the [Office of the Campus Counsel](#) (main campus) or [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 them. See [Academic Personnel Manual Section 160](#) or [Personnel Policies for Staff Members](#), and [UCD Procedure 80](#).

- C. Recording and maintaining disclosures of personal information

1. The campus must maintain records of certain types of disclosures 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.
 - 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. [The Record of Disclosure form](#) should be used to record these disclosures unless another means of maintaining this information is used.
3. The department must retain the record of disclosure, and information regarding unresolved disputes about the accuracy of the record. If a record is corrected within three years of disclosure, the department must inform any person or agency to whom a record has been disclosed about the correction.

V. 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 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 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.

VI. Further Information

- A. Further information can be found on the [Office of Campus Counsel website](#).
- B. For additional information regarding safeguarding of personal information or the appropriateness of maintaining or disclosing any information, contact the Information Practices Coordinator, (530) 754-6295 or publicrecords@ucdavis.edu.

VII. References and Related Policy

- A. [California Civil Code §1798-§1798.78, California Information Practices Act](#).
- B. [California Public Records Act](#).
- C. [Family Federal Educational Rights and Privacy Act of 1974 \(FERPA\)](#).
- D. UC Davis Policy and Procedure Manual
 - 1. [Section 310-24, Electronic Communications—Privacy and Access](#).
 - 2. [Section 320-19, Access to Public Records](#).
 - 3. [Section 320-21, Privacy and Disclosure of Information from Student Records](#).
 - 4. [Section 320-22, Collection and Confidentiality of Social Security Numbers](#).
 - 5. [Section 320-30, Legal Notices](#).
- E. [Academic Personnel Manual](#)
 - 1. Academic Personnel Manual Section 140, Non-Senate Academic Appointees/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.
 - 4. Academic Personnel Manual Section 220, Professor Series.
- F. [Personnel Policies for Staff Members Policy](#) and [UCD Procedure 80, Staff Personnel Records](#).