

UC Santa Barbara
Policies

Policy 7000

Issuing Unit: Administrative Services

Date: July 1, 1977

PRIVACY AND ACCESS TO INFORMATION

I. REFERENCES:*

A. University Policy on Privacy and Access to Information, Office of the President, February 25, 1977.

II. POLICY:

A. Purpose and Scope:

This statement sets forth the general policy of the University governing access to and privacy of information about individuals. The University supports securing to individuals their fundamental rights in the area of institutional information practices. This policy guarantees to individuals access to files maintained on them and sets forth provisions to govern the collection, maintenance, accuracy, dissemination, and disclosure of information about them. Included in this policy are safeguards which ensure protection of individual privacy.

Recognizing the special considerations attending the collection, maintenance, accuracy, dissemination, and disclosure of academic personnel records, staff personnel records, and student records, policies relating to access and privacy of academic and staff personnel records are to be issued separately. Student records are separately covered in "University of California Policies Applying to the Disclosure of Information from Student Records."

All University records that fall within the definitions included in Section II below are covered by this policy, including but not restricted to business and financial, gift and endowment, alumni, patents, publications, medical, library, and research records, and excluding only those three records systems mentioned in the above paragraph.

B. Definitions:

For the purpose of this policy:

1. The term "file" means a collection of information which is retrieved by the name of an individual or by some identifying particular assigned to an individual.
2. The term "individual" means a natural person acting in his or her individual and private capacity.

C. General Requirements:

The University of California shall:

1. Maintain only that information which is relevant and necessary to accomplish a purpose of the University or is authorized by law.
2. Attach to any form used to collect information from individuals a statement containing the following, unless such information is already contained in the form itself:
 - a. the name of the University office that is requesting the information;
 - b. the title, University address, and University telephone number of the official who is responsible for the maintenance of the information;
 - c. the University policy or other legal authority which authorizes the maintenance of the information;
 - d. with respect to each item of information, whether submission of such information is mandatory or voluntary;
 - e. the consequences, if any, of not providing all or any part of the requested information;
 - f. the principal purpose or purposes for which the information is to be used; and
 - g. the individual's right to review files maintained on him or her by the University.
3. Maintain all files with accuracy, relevance, timeliness, and completeness.
4. Ensure that no information in a file is transferred outside the University unless the transfer is compatible with the purpose for which it was collected, or when such transfer is required by law, or pursuant to a showing of compelling circumstances affecting the health or safety of an individual.
5. Ensure that no information is destroyed for the purpose of avoiding compliance with this policy.
6. Ensure that no individual is denied access to any information which has been utilized in a determination which affects that individual.

D. Access and Amendments to Records:

Each University office which maintains files shall:

1. Permit any individual upon request and proper identification to gain access to the original or a complete copy of any file pertaining to such an individual. A file in active use shall be made available within 30 days of the request; a stored file within 60 days. An individual shall not be permitted to gain access to any file that does not pertain to him or her except as provided under the State of California Public Records Act (Section 6250 et. seq. of the

Government Code) or pursuant to statutes or judicial decisions relating to discovery during litigation.

2. Permit the individual to request in writing an amendment to the file, and within 30 days of such request:
 - a. make any correction requested by the individual; or
 - b. permit the individual to file a concise statement of dispute which shall be included as a permanent part of the file; or
 - c. with the agreement of the individual, destroy disputed information.
3. Provide at reasonable charge copies of any documents within a file to which the individual is entitled to obtain access.

E. Exemptions:

1. Nothing in this policy shall be construed to allow an individual access, not otherwise authorized by law, to information in a file compiled in reasonable anticipation of a civil action or University administrative proceeding against such individual.
2. Nothing in this policy shall be construed to allow an individual access to information which is required by law to be kept confidential, or information which is subject to recognized legal privilege.
3. Nothing in this policy shall be construed to allow an individual access to testing or examination material, the disclosure of which would compromise the objectivity of the process, or to medical or psychiatric records, the disclosure of which would, in competent medical opinion, be detrimental to the individual.
4. Nothing in this policy shall be construed to allow an individual access to files:
 - a. maintained by the University for the purpose of enforcing criminal laws or preventing crime where such files are used exclusively for law enforcement investigative information and information in such files is acquired in conjunction with the investigation of criminal activity; and
 - b. the files exempted under subdivision (1) above consist of information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual.

F. Review of University Officials' Decisions and Actions:

Whenever an individual is dissatisfied with a University official's decision or actions relating to the implementation of this policy, he or she may file a petition with the Chancellor, Major Laboratory Director, or, for Systemwide Administration offices, the President, or their designated representative. These officials will consult with the Office of the General Counsel for

interpretation of existing Federal and State laws dealing with access to personal information prior to rendering a decision.

*Additional References:

The California Public Records Act (Government Code Sections 6250-6260)

The State of California Information Practices Act of 1977 (Civil Code Section 1798 et.seq.)

Please direct questions about these policies to Meta.Clow@vadmin.ucsb.edu. For questions or comments regarding the format of the above information, please contact webcontact@ucsbuxa.ucsb.edu.

Return to the [UCSB home page](#).

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