

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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SANTA BARBARA • SANTA CRUZ

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*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

April 9, 2014

DIVISIONAL SENATE CHAIRS DIVISIONAL SENATE DIRECTORS

Re: Public Records Act/Freedom of Information Act Toolkit

Dear Colleagues:

At its April 2 meeting, the Academic Council was briefed on the attached “toolkit” of materials assembled by the University Committee on Academic Freedom (UCAF) to help campus faculty respond to Public Records Act (PRA) and Freedom of Information Act (FOIA) requests. The toolkit originated at UCLA, but Council agreed with UCAF that the documents would be helpful to faculty on all campuses who face requests for information about their research that sometimes ask for documents and other material that faculty have assumed could remain confidential. Council agreed to help disseminate these materials to the divisions.

The materials in the toolkit are also available as links on the UCLA Academic Personnel Office website:

Faculty Resource Guide for California Public Records Request

<https://www.apo.ucla.edu/resources/recordrequest>

Statement on the Principles of Scholarly Research and Public Records Requests

<https://www.apo.ucla.edu/resources/academic-freedom>

On behalf of the Academic Council, I request that you explore the appropriate means of making these materials available to interested faculty in your division.

Sincerely,

A handwritten signature in cursive script that reads "Bill Jacob".

Bill Jacob, Chair
Academic Council

Copy: Academic Council
UCAF Chair Gunderson
Martha Winnacker, Academic Senate Executive Director



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAFP)
Cameron Gundersen, Chair
CGundersen@mednet.ucla.edu

Assembly of the Academic Senate
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February 27, 2014

**BILL JACOB, CHAIR
ACADEMIC SENATE**

RE: Re: A “toolkit” for responding to Public Records Act/Freedom of Information Act (PRA/FOIA) requests

Dear Bill,

It is becoming increasingly common for groups and individuals to submit PRA/FOIA requests to UC campuses demanding information concerning faculty activities. After dealing with a number of such requests, an *ad hoc* committee at UCLA was charged with developing an outline for faculty to help them deal with PRA/FOIA requests. In addition, this committee composed a statement that weighs the public’s “right-to-know” against a faculty member’s academic freedom rights. The accompanying documents present the outcome of this committee’s efforts. Although UCAF had seen an earlier version of these documents and was under the impression that they were to be widely disseminated throughout the UC system, we subsequently learned that this distribution did not occur. Thus, on the strength of a unanimous vote by the UCAF membership, we urge you to share these documents with the UC Academic Senate and any other groups that might benefit from the insights that they offer.

Sincerely,

A handwritten signature in cursive script that reads "Cameron Gundersen".

Cameron Gundersen, Chair
UCAF



CAROLE GOLDBERG
VICE CHANCELLOR, ACADEMIC PERSONNEL
OFFICE OF THE CHANCELLOR
2138 MURPHY HALL, BOX 951405
LOS ANGELES, CALIFORNIA 90095-1405

June 4, 2013

Executive Vice Chancellor and Provost Scott Waugh
Chancellor's Office
2147 Murphy Hall
Academic Senate Chair Linda Sarna
Academic Senate
3125 Murphy Hall

Dear Chair Sarna and Executive Vice Chancellor Waugh:

On December 6, 2011, then Academic Senate Chair Andrew Leuchter and Executive Vice Chancellor and Provost Scott Waugh established the Joint Academic Freedom Task Force to consider how UCLA should act to protect academic freedom when public records requests under the California Public Records Act (CPRA) target scholarly communications and documents. The Task Force was asked to examine how academic freedom intersects with public institutions' legal obligations to conduct business transparently. Three assignments were included in the charge:

- 1) Draft a statement for the Chancellor's review and approval reiterating the principles underpinning academic freedom, including how these principles affect the University and the broader community, and assess any legal obligations under the CPRA that could affect these principles.
- 2) Provide guidelines that can be disseminated to faculty to educate them on their obligations under the CPRA and on what steps to take to better protect the privacy of their electronic communications.
- 3) Identify campus stakeholders who could or should be convened to address specific problems or threats when they arise.

In carrying out its mandate, the Task Force has conducted research into the types of records requests that have been directed to researchers at UCLA and other universities; the responses that UCLA and other universities have made to such requests; the academic and other literature discussing appropriate consideration of academic freedom and public accountability; and the law and policies governing academic freedom and public records. The Task Force has also distributed draft statements and consulted with the Office of General Counsel in the Office of the President, the Academic Senate, Deans, and other campus stakeholders.

Executive Vice Chancellor and Provost Scott Waugh
Academic Senate Chair Linda Sarna
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June 4, 2013

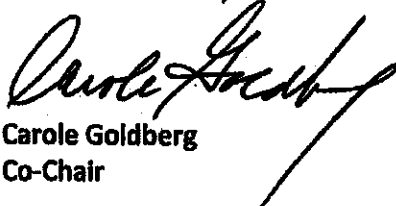
We are therefore pleased to submit the attached Statement on Academic Freedom and a Faculty Resource Guide for California Public Records Requests. The Task Force unanimously endorses these two documents and recommends their immediate implementation through distribution to the campus community and to the University community and the wider public. The Statement on Academic Freedom provides a forceful articulation of UCLA's fundamental values and a strong foundation for positions UCLA may assert in litigation when CPRA requests target scholarly communications and documents. The Resource Guide will supply practical advice and information that individual faculty and administrators can use to manage their electronic communications and to deal with any CPRA requests they may receive. The Resource Guide also identifies the campus stakeholders who should be convened when specific problems or threats arise.

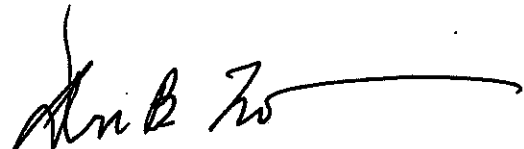
We thank the members of the Task Force -- Senior Campus Counsel Amy Blum, Professors Barbara Herman, Matthew Kahn, Ann Karagozian, Christopher Kelty, and Mark Sawyer -- for their time, effort, and many contributions to this endeavor.

We look forward to the implementation of the specific steps and general policies comprising our work. We are available to discuss this implementation at your convenience.

Sincerely,

For the Task Force,


Carole Goldberg
Co-Chair


David Teplow
Co-Chair

Statement on the Principles of Scholarly Research and Public Records Requests

September 2012

Preamble

Robust, frequent, and frank intellectual exchange is essential to research and teaching at the university level. It is therefore a matter of great concern that faculty at public universities throughout the country are increasingly the objects of requests through state (California Public Records Act, or PRA) and federal (Freedom of Information Act, or FOIA) public records acts for emails, notes, drafts, and other documents. Public access laws are an important component of the democratic process in our society, and scholars themselves frequently benefit from this legal framework. However, faculty scholarly communications must be protected from PRA and FOIA requests to guard the principle of academic freedom, the integrity of the research process and peer review, and the broader teaching and research mission of the university. Moreover, these requests have increasingly been used for political purposes or to intimidate faculty working on controversial issues. These onerous, politically motivated, or frivolous requests may inhibit the very communications that nourish excellence in research and teaching, threatening the long-established principles of scholarly research.

The principles of scholarly research

Faculty at UCLA carry out a triple mission of teaching, service, and research. The three parts of this mission are not identical: our service to the institution is by definition something that concerns the shared governance, operation, and decision-making here at UCLA and UC-wide. By contrast, our research and teaching are often conducted in collaboration with others in our discipline at institutions around the world, and serve the general advancement of knowledge.

Sound, high-quality scholarship is a collective process of trial and error, peer review, and questioning that happens in classrooms, laboratories, offices, conferences, workshops, at work and at home, day and night, in the university and in the field. Through this collective process, scholarship is scrutinized, questioned, improved, and ultimately accepted or rejected by the community. There are a number of principles that underlie this process and are accepted across the disciplines, including the following:

Frank exchange among scholars is essential to advancing knowledge. Scholars frequently test ideas in extreme form, explore possibilities through hypotheticals, or play "devil's advocate," making claims they may not themselves believe in edgy, casual language not intended for public circulation or publication. These communications are frequent and diverse in nature because scholarship is a competitive and fast-paced process, requiring intensive communication among a diverse array of participants.

Peer review is built into the academic enterprise at every level. Review and contestation is a nearly constant feature of the exploration of scholarly problems, and that review comes from peers at every stage, from the initial identification of a problem to the publication of scholarly work on the problem. Publications are the final tangible result of scholarly exploration. A published work articulates in detail the methods, materials, and modes of research that led to the findings reported or the narrative constructed. Publications are written with the expectation that they will contribute new knowledge to a field and spur deeper examination of the problems addressed within them. In essence, peer review never ends.

Faculty often choose research topics that are highly relevant to society and therefore may generate strong reactions. These topics may be controversial and highly politicized (e.g., global warming), deal with illegal or criminal behavior, or focus directly on contentious social questions (e.g., ethnicity, sexual orientation). Faculty must be free to work on these important topics without fear of retribution, threats, or interference.

Faculty members regularly collaborate with colleagues at other institutions. Faculty within the UC system require, and deserve to have, the same freedom of communication with people at other universities and corporations, public and private. Faculty at private universities who perform equivalent research need not fear interference through state public records act requests pertaining to their scholarly contributions; neither should faculty at public universities such as UCLA.

Teaching and research are conducted and governed by the generally accepted professional and ethical commitments specific to each academic discipline. University policies generally incorporate, rather than supersede, those requirements and expectations. Thus, university faculty members already are held to very high professional and ethical standards in the conduct of their scholarly work.

The potential harms of public records requests for scholarly records

Frank, honest exchange depends on the maximum protection of the informal and everyday work, personal email, drafts, and records related to research and teaching. It is essential that regular and frequent communications among faculty within UCLA and with colleagues in other institutions remain within faculty control. Public records requests can lead to unnecessary and unwarranted increased time commitments necessary to monitor all that is written or said in case of potential public disclosure. A lack of protection from such requests can directly impinge on academic freedom (the "chilling effect") by causing faculty to avoid investigating controversial issues.

Principles endorsed to protect scholarly communications

Clarity concerning what is considered a public record by the university is essential to the success of faculty research and teaching endeavors. The university must do its utmost to protect those records not subject to public records oversight and to prevent the chilling

effect of public records requests on frank scholarly exchange. These principles are consistent with the letter and intent of the open records laws:

Protect the system of peer review at all levels. Public records requests are neither a substitute for nor an effective check on peer review by the scholarly community, but instead damage the process by threatening scholars into silence when they should be speaking truthfully and frankly about their concerns. The published record is the gold standard on which scholarship rests and it is readily available to the public. Public records requests of private, draft, or pre-publication materials only serve to confound the peer review process, rather than leading to an improvement or check on this process.

Protect the right of faculty to choose topics and research areas based on intrinsic criteria. Research that is politically or socially controversial should be subject to the same protections as any other kind of research. If the scholarly process is to function correctly, it must be protected from political, social, religious or other non-academic criteria of evaluation.

Provide the same protections to UCLA faculty that colleagues in private universities or corporations enjoy. Scholarship is inherently collaborative and extends beyond the bounds of a single lab or office or university. Hence, faculty at UCLA should be afforded the same kinds of protection offered elsewhere, including at private universities. Maximum protection of UCLA faculty also is necessary to ensure that our colleagues at other institutions do not experience "second-order" chilling effects, *i.e.*, a fear of collaborating with UC faculty due to concern about potential public disclosure of private materials.

Reiterate the value of the longstanding traditions of ethical and professional codes of conduct. Disciplines possess necessary and effective standards that govern the ethics of research. It is this time-tested oversight that ensures accountability. Public records requests should not be allowed to undermine these traditions.

Conclusion The academic enterprise is intrinsically different from other enterprises conducted for the benefit of the public. Its product, *knowledge*, is intangible, yet it informs all of society in countless tangible ways, including technology, medical care, ecology, and art. Academia can only make these tremendous contributions to the quality of our lives if it operates according to the standards that have ensured its freedom from bias and its unwavering devotion to truth, whatever that truth may be. The threat to faculty of forced disclosure of scholarly communication through PRA/FOIA requests can damage intellectual freedom and interfere with robust scholarly communication. The proper forum for evaluating and vetting academic research is through the time-honored and rigorous process of peer review. The world's academic community, including its faculties and administrative leaders, must protect itself from these requests if it is to continue to function and contribute to society in the highly valuable manner that it has for centuries.

Faculty Resource Guide for California Public Records Requests

What is this guide, why do I need it, and how do I use it?

Because UCLA is a state institution, its public records, including the public records of its faculty, are subject to the California Public Records Act ("CPRA"). The CPRA was enacted to ensure that the citizens of the state, in essence, know how the state conducts its business. Sometimes, requests for records are made of UCLA or individual faculty members. This guide: (1) provides information on the CPRA; (2) explains what public records are, what types of records are exempt from disclosure under the CPRA, and how UCLA faculty should respond to CPRA requests for records; (3) suggests how faculty should manage their electronic records in light of the CPRA; and (4) is organized as an FAQ page. Just click on a link below to be taken to the appropriate explanatory section. In addition to the information provided on this page, links to other sources of information and guidance may also be found below.

[Question 1 as a link]

[Question 2 as a link]

[Question 3 as a link]

[Question 4 as a link]

[Question 5 as a link]

[Question 6 as a link]

[Question 7 as a link]

[Question 8 as a link]

1. What is a Public Records Request?

The California Public Records Act ("CPRA"), "mindful of the right of individuals to privacy," declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

[http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270)

[07000&file=6250-6270](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270). Unless an exemption applies, when a request for a copy of records is submitted to a state agency, the agency is required to make the records available to the requestor promptly.

2. What should I do if I receive a public records request?

Do not respond to a records request yourself. As requests for public records must generally be acknowledged within 10 days of receipt, immediately forward the request to Public Records Request Services or contact the Records Management and Information Practices Office at (310) 794-8741. If you have concerns or questions about the request, you may also contact the Office of the Campus Counsel at (310) 206-6985. No records responsive to the request should be destroyed while the request is pending.

3. Are records of the faculty considered to be public records?

UCLA, as a State of California public institution, is subject to the CPRA and must disclose records “relating to the conduct of the public’s business” when requests for specific records are submitted to the campus, unless an exemption applies that protects the records from disclosure.

A “public record” is broadly defined to include any “writing” (which includes any tangible recording such as hard-copy or electronic records, photographs, audio recording, handwritten notes, etc.) that relates “to the conduct of the public’s business,” and which is “prepared, owned, used, or retained” by the University.

Certain types of records of the faculty are likely to be deemed to be related to the “conduct of the public’s business” and hence “public records.” These records include: (i) communications with third parties not encompassed in the faculty member’s research programs or independently scholarly activities; (ii) participation in shared governance; (iii) service on University committees; (iv) conduct in the separate capacity as departmental Chair or other University administrator, and other similar activities.

Communications relating to a faculty member’s individual research or development of individual courses arguably should not be deemed to “relate to the conduct of the public’s business” as these communications are deemed to be the independent scholarly effort of the faculty member. See *Report by Senate-Administration Taskforce on Academic Freedom* [link to be provided]. This issue, however, has not been decided by a California court.

Records of personal communications: Email communications that are wholly personal in nature do not relate to the conduct of university business and, thus, are not “public records.” Thus, any communications deemed wholly personal in nature are not subject to disclosure. For example, non-University-related communications with a faculty member’s healthcare provider, or communications with a sibling who is not a colleague, would be deemed wholly personal and not a “public record,” even if stored on a University network or computer. However, please see guidance on recommended practices for use of University networks and computers [link to FAQ re recommended practices]. *Although a record may be a “public record,” there are exemptions to the disclosure requirement. See [link to FAQ 4(d)].*

4. Are records of the faculty required to be disclosed in response to a public records request?

The types of records requested must be individually assessed to determine first whether they are public records, and second whether there are any exemptions that apply. [See link to 5(a) below for an explanation of who conducts this assessment]. If a public record is subject to an exemption, disclosure is not required.

There are many exemptions in the CPRA, [see Cal. Gov. Code Section 6253, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270>], but the categories of most common “public records” of faculty that may be exempt from disclosure are as follows:

- a. **Student Records:** The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and 34 CFR Part 99, requires the university to keep confidential all personally identifiable information in education records related to students. This prohibition on disclosure by federal law exempts such records from disclosure under the CPRA. Cal. Gov. Code § 6254(k). Records, including emails, relating to students or student work are generally exempt, in whole or in part.
- b. **Personnel matters and records protected by personal privacy:** Records containing personnel, medical, or other information are exempt from disclosure *when disclosure would constitute an unwarranted invasion of personal privacy*. Cal. Gov. Code §6254(c) and (k). Records that are protected by personal privacy interests must be balanced against the public interest in disclosure. If disclosure would result in an unwarranted invasion of privacy that is not outweighed by the public interest in disclosure, the records would be exempt from disclosure.
 - i. **Example:** Communications about faculty evaluations, merit, and promotion are considered to be personnel records that may be subject to exemption when disclosure would constitute an unwarranted invasion of personal privacy. However, records of faculty compensation, including salary history, are required to be disclosed. See UC policy on public disclosure of Compensation information.
<http://policy.ucop.edu/doc/4000383/CompPublicDisclosure>
- c. **Information Protected by Other Laws:** Records that contain confidential, proprietary, or other privileged information that is protected from disclosure pursuant to federal or state law are exempt from disclosure. Cal. Gov. Code §6254(k). Examples: Attorney-client privileged communications, records containing trade secrets, patient information protected under HIPAA, etc.
- d. **Communications as Scholars:** Communication with colleagues, students, staff, or other collaborators about research or relating to the development of courses may be exempt from disclosure, pursuant to federal and state law, because the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure, see Cal. Gov. Code §§ 6254(k), 6255. Specifically, disclosure of such records

could impair the academic research process by impeding candid and informal communications. Such a chilling effect would result in significant harm to the public interest—a more significant harm than any potential benefit to the public in disclosure. As reflected in the Report of the Senate-Administration Taskforce on Academic Freedom, [include link here], the UCLA Senate has explicitly set forth the rationale for exemption of these records, which includes the recognition that scholars must be afforded privacy in their communications to pursue knowledge, develop lines of argument without fear of reprisal for controversial findings, and without the premature disclosure of those ideas and theories. The protection of academic freedom is the fundamental foundation of the University of California. See, University of California Academic Personnel Manual 010, <http://www.ucop.edu/acadpersonnel/apm/apm-010.pdf>. Thus, scholarly communications could be exempt from disclosure.

5. How should I respond to notice from the Records Management and Information Practices Office (RMIP) that my records have been requested?

RMIP is the office responsible for managing and responding to public records requests, so you are required to respond to its request.

- a. When RMIP informs you that your records have been requested, you should carefully review the request to determine if you have the records and to raise any concerns you may have as to the appropriateness of disclosing such records. If you believe the records sought are not “public records,” (add link to question 2) or are exempt from disclosure (add link to question 3), you should immediately notify RMIP. RMIP will consult with the Office of the Campus Counsel, you, the Chair of your Department, and as appropriate, with the Vice Chancellor for Academic Personnel and Chair of the Academic Senate to assess whether the records are subject to disclosure.
- b. If a determination is made that the records are public records that are not protected by any exemption, you should immediately begin searching for the responsive records. Importantly, the obligation to disclose records rests with the University, not with the faculty or staff whose records are sought. Thus, it is the University administration, through the RMIP after appropriate consultation, that makes the determination of whether and what records must be disclosed. Once that determination is made, you must assist in obtaining the responsive records.
- c. Notify the RMIP whether you have the requested disclosable records.
- d. Forward copies of the requested records to RMIP. Do not provide RMIP with your original records. Send the records to RMIP (a) as email attachments to [Public Records Request Services](#), or (b) via intercampus mail to 10920 Wilshire Boulevard, Suite 530, Los Angeles, CA 90024-6541.

- e. You are not required to, and should not create records that do not otherwise exist in hardcopy, electronic or some other form. Note: the Campus may be required to compile data or to construct a computer report to extract data that is only maintained electronically, such as in a database. Should that be required in order to produce the requested information, you should notify RMIP of this requirement and the estimated time and effort that you expect would be involved in extracting this type of record.

6. What happens if there is a dispute with the requestor as to whether the records are subject to disclosure?

The University administration, after due consultation *see* [link to FAQ 5(a)], determines whether a record must be produced in response to a public records request. If the requestor disagrees with that determination it may seek a supplemental response, or file a court action seeking to compel the University to produce the requested records.

7. What happens if the requestor files a lawsuit to compel production of the records?

In any court action to compel compliance with the California Public Records Act, the University, not the faculty member, is the party to the lawsuit. The cost of litigating such a lawsuit is not covered by any liability insurance program, so the UCLA campus would be responsible for the litigation defense costs. Importantly, in any such lawsuit, if the requestor is deemed to be the prevailing party, the University may be required to pay for the reasonable attorney's fees incurred *by the requestor*. This additional expense would also be borne by the UCLA campus. Because of the strong campus interest in protecting academic freedom and supporting UCLA faculty, the Chancellor's Office has agreed to be responsible for all of the legal expenses.

8. How should I manage my electronic communications in light of the potential obligation to disclose public records in the future?

Although electronic resources may be used for incidental personal use, it is best not to include any personal communications on a University email account or to store personal records on a University system. Use a personal email account for personal matters. If you use a personal email account or computer for University-related activities, the records are still considered to be "public records" and are subject to disclosure.

When communicating by electronic communications consider the following:

A. Limit Addressees:

- To: Only those who need to take action or are leading the effort.
- Cc: Only people who need to be informed.
- Remember: If people are included on the email address list, their records may be subject to CPRA requests.
- Caution: "Reply All" – Don't use this without first deciding all recipients need the

response.

B. Use a Descriptive Subject Line.

- If the email dialogue changes into another subject matter, start a new email with a new subject line.
- If the email string is relevant to the new subject, modify the subject line to reflect the new subject.
- If the email is attorney-client privileged, included that in the subject line. Merely copying a University attorney is not sufficient to make a communication attorney-client privileged. To be privileged, the communication must seek or provide legal advice.

C. Limit the Scope of the Content.

- Keep all messages short and on point.
- Only include relevant portions of prior emails in new emails to prevent lengthy email strings. This has the following effects.
 - Easier for recipients to read.
 - Aids review and redaction.
 -

D. Limit Personal and Sensitive Information.

- Don't include names, addresses, phone numbers, email addresses or other identifying information in the body of the email.

E. Remember that other electronic devices are subject to the same obligations.

- Voice messages
- Calendar entries
- Emails copied to calendars.
- Department websites
- Text messages
- Social networking sites and YouTube

F. Have a retention and disposal practice that makes good business, educational, or research sense.

- If you need to keep a communication for legitimate reasons, keep it.
- If you do not need to keep communications, routinely dispose of those records.
- If you have drafts that are intended to be replaced by a final report, routinely dispose of any unneeded drafts.
- Remember that special rules for preservation of records apply when a *notice to preserve evidence* has been received. The duty to preserve evidence arises when there is pending litigation or such litigation is reasonably anticipated. Any routine disposal practice must be halted when evidence preservation is required. For more information, see <http://www.campuscounsel.ucla.edu/discovery.html>.

9. How are the Federal Freedom Of Information Act procedures different?

The Freedom of Information Act (“FOIA”), 5 U.S.C. §552, et seq., is a Federal law that applies to Federal – not state – agencies. It requires federal agencies to make documents available to the public, including documents that federal agencies may have obtained from UCLA. The law provides certain exemptions set forth in 5 U.S.C. § 552 (b), [http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+26+1++\(\)%20%20AND%20\(\(5\)%20ADJ%20USC\):CITE%20AND%20\(USC%20w/10%20\(552\)\):CITE%20%20%20%20%20%20%20%20%20](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+26+1++()%20%20AND%20((5)%20ADJ%20USC):CITE%20AND%20(USC%20w/10%20(552)):CITE%20%20%20%20%20%20%20%20%20). Because UCLA is not a federal agency, it is not subject to FOIA requests, but UCLA’s records may be disclosed by a federal agency that holds such records.

Some of the exemptions that may apply to faculty records held by a federal agency include records that are specifically exempted by statute, trade secrets and proprietary information, personnel, medical and other records the disclosure of which would be an invasion of personal privacy, and information compiled for law enforcement where release could affect health and safety. Unlike the California Public Records Act, however, there is no exemption to disclosure obligations if the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure. If a federal agency receives a FOIA request that includes records that UCLA’s faculty might deem proprietary, the agency will typically notify the affected faculty member of the request so that the faculty member can provide input. The decision as to disclosure, however, remains with the federal agency. If a faculty member receives such notice from a federal agency, he or she may seek assistance from the Office of the Campus Counsel at (310) 206-6985.