



Robert C. May
Telephone: (510) 987-0711
Email: robert.may@ucop.edu

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

December 18, 2018

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

Re: Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information

Dear Susan,

As you requested, the proposed revisions to Presidential Policy BFB-RMP-7 "Protection of Administrative Records Containing Personally Identifiable Information" were distributed for systemwide review. Nine Academic Senate divisions (UCB, UCD, UCI, UCLA, UCM, UCR, UCSB, UCSC, and UCSD) and one systemwide committee (UCFW) submitted comments. These comments were discussed at Academic Council's December 12, 2018 meeting and are attached for your reference.

We understand that the purpose of the policy is to consolidate and update three existing systemwide policies related to the University's collection, maintenance, safeguarding, and disclosure of personally identifiable information (PII) in administrative records. It establishes rules of conduct for University employees with access to PII, as well as systemwide processes for managing records containing PII and for responding to requests for PII, which attempt to balance individual privacy with competing legal or public disclosure obligations. The policy includes a "privacy balancing process" to guide decision-making about the use or disclosure of PII when no law or UC policy applies.

We appreciate and support the effort to consolidate and update the policies, and for the focus on the protection of privacy in the updated policy. However, the Berkeley division and others have several significant concerns about how the revisions may weaken, rather than strengthen, privacy protections for applicants and enrolled students. In addition, nearly every division includes a list of recommended clarifications to specific definitions and guidelines. These include the definition of PII and the acceptable threshold for the disclosure of PII; the scope of records that fall under the policy; the use of applicants' records by Development and Alumni Relations staff; the process for allowing applicants outside the U.S. to designate a representative with rights of access to their PII and for allowing third parties to access applicant information for scientific or statistical research; and the disclosure status of records pertaining to grievance or discipline cases. In addition, UCB and UCR both note that the policy refers to administrative positions that do not exist or are not filled on those campuses. Finally, UCFW notes that the policy is meant to be flexible, but offers few examples of how campuses are to determine the balance between

privacy and transparency. It recommends additional guidelines to help UC employees understand the individual and institutional impact of protecting or disclosing PII.

We ask UCOP to weigh these comments and concerns carefully as additional revisions are made to the policy. We would appreciate another round of review that addresses the comments and concerns. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in brown ink, appearing to read "R. C. May".

Robert C. May, Chair
Academic Council

Encl.

Cc: Records Manager Sletten
Academic Council
Senate Directors



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 26, 2018

ROBERT MAY
Chair, Academic Council

*Subject: Proposed revisions to Presidential Policy BFB-RMP-7 — Protection of Administrative
Records Containing Personally Identifiable Information*

Dear Robert,

On November 19, 2018, the Divisional Council (DIVCO) of the Berkeley Division discussed the proposal cited in the subject line, informed by commentary of our divisional Committee on Computing and Information Technology (CIT).

DIVCO endorsed the CIT report, which is appended in its entirety. While some of the points speak to campus-level issues, most are germane systemwide. DIVCO was dismayed to find that the proposed revisions tend to weaken, rather than strengthen, privacy protections. We strongly recommend that the proposal be reconsidered through the lens of ensuring privacy protection for members of the University community.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Barbara Spackman'.

Barbara Spackman
Chair, Berkeley Division of the Academic Senate
Cecchetti Professor of Italian Studies and Professor of Comparative Literature

Encl.

Cc: Ethan Ligon, Chair, Committee on Computing and Information Technology
Sumei Quiggle, Associate Director

CIT COMMENTS ON PROPOSED RMP-7

Our committee reviewed and discussed the proposed revision of RMP-7/11/12 at our meetings on October 11, and November 8, 2018. We have both some general and some specific concerns.

1. GENERAL CONCERNS

- (1) The explicit acknowledgement of privacy values is new and a valuable addition to the policy.
- (2) Though it's advertised as being a "consolidation" of existing policy, the new policy is in fact a wholesale replacement. Not a single sentence in any of the existing three documents survives in the new policy. Further, the total length of the original documents was 11 pages, including extensive references and specific guidance; the new policy runs to 14 pages with less useful specific guidance.
- (3) The old policy spoke of the responsibilities of the administration in protecting privacy and ensuring access to non-student information (See Old RMP-7 IV.A,B). Vice Presidents, Chancellors, and Laboratory Directors were "responsible for ensuring that departments. . . comply with all records privacy and access requirements." The new policy is explicit in reassigning responsibility to employees, including "all faculty, staff, and other individuals associated with the University" (New RMP-7 III.A), who risk discipline or termination should they fail to follow any of seven broadly framed "rules of conduct."
- (4) In practice, the old policy expected senior administrators to appoint local "Coordinators of Information Practices" to develop local policy and guidelines for employees (Old RMP-7 IV.B). The old policy offered a reasonably detailed and list of concrete responsibilities for these coordinators (Old RMP-7 p. 3).
- (5) The new policy also envisions a central role for both "Information Practice Coordinators" and "Campus Privacy Officials". We know of no official with the former title on the Berkeley campus. There is supposed to be a Campus Privacy Officer, but that position has been vacant for the last six months.

. *Date:* November 12, 2018.

- (6) We have heard that there will soon be a search for a new campus Privacy Officer. We think it is very important that this new hire have both the stature and independence necessary to push back against possible encroachments on privacy, whether those come from security-minded people on campus (e.g. the CISO) or from UCOP.
- (7) The new policy also refers to campus “Record Management Coordinators”. Does our campus even have such a person?
- (8) The new RMP-7 offers much less concrete guidance about policy or best practices than the documents it’s meant to replace. Our committee considered a number of real-world privacy issues that we would hope the policy could speak to, but had difficulty finding language in the revised policy that provided useful guidance.
- (9) Related to the previous; we note that the revised policy has a “Frequently Asked Questions” section, but its only content is “Not applicable.”

2. SPECIFIC CONCERNS

Where there are clear differences between the old and new policies, on their face the changes often seem to involve a weakening of privacy protections. Examples we were able to identify (with references to the new document):

2.1. V.A Protection of records of foreign-born student applicants. The old policy was explicit in offering the same privacy protections to “U.S. and foreignborn student applicants” (Old RMP-11 II.A). Those explicit protections of foreign applicants do not appear in the new policy.

2.2. V.A Removal of reference to some legal protections for enrolled students. The old policy (Old RMP-11 II.B) asserted that access to student records should be governed by (i) the Federal Family Educational Rights and Privacy Act (FERPA); (ii) the State Donahoe Higher Education Act; and (iii) additional University policies. Reference to the latter two protections has been excised from the present policy.

2.3. V.A Student applicant records. Enrolled students have FERPA protections. Why should applicants have any different or weaker privacy protections?

2.4. V.A.2 Disclosure allowed to any third party. The old policy allowed disclosure of applicant information to three classes of people under various conditions: The applicant; the parents of the applicant; and “school administrators and teachers”. Sharing information with this last class was justified under certain narrow conditions (e.g., inquiries regarding “eligibility status or lack of certain grades”).

This last class has been broadened to include any third party, and it appears that this third party could literally be *anyone*. Conditions under which information can be shared include it being necessary to the third party’s duties or “other legal exceptions.” It is not clear what restrictions, if any, this actually places on the sharing of applicant information.

- Restrictions here and “narrow conditions” need local interpretation. Perhaps this is another job for the Privacy Officer.

2.5. V.A.3 Advancement, Development, and Alumni Staff. Language in the old policy (old RMP-11 IV.D) restricting access to non-students records has been greatly weakened.

2.6. V.B University Mailing Lists and Telephone Directories. The entirety of the old RMP-12 policy has been translated into two sentences in the new policy, and important privacy protections (such as an “opt-in” requirement, RMP-12 VI.A.1; privacy notifications, and restrictions on advertising) have been entirely removed.



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

December 5, 2018

Robert May
Chair, Academic Council

RE: Review of Proposed Revisions to Presidential Policy BFB-RMP-7, Protection of Administrative Records Containing Personally Identifiable Information

Dear Robert:

The proposed revisions to Presidential Policy BFB-RMP-7, Protection of Administrative Records Containing Personally Identifiable Information, were forwarded to all standing committees of the Davis Division of the Academic Senate. Three committees responded: Academic Freedom and Responsibility, Information Technology, and Faculty Welfare.

Committees do not have any concerns or suggestions. The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Kristin H. Lagattuta".

Kristin H. Lagattuta, Ph.D.
Chair, Davis Division of the Academic Senate
Professor, Department of Psychology and Center for Mind and Brain

Enclosed: Davis Division Committee Responses

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate
Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate

November 8, 2018

Robert May, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

**RE: Systemwide Senate Review of Proposed Presidential Policy BFB-RMB-7,
Protection of Administrative Records Containing Personally Identifiable Information**

Dear Chair May,

On our campus, the Council on Research, Computing, and Libraries (CORCL), Council on Teaching, Learning, and Student Experience (CTLSE), Council on Undergraduate Admissions and Relations with Schools (CUARS), and Committee on Privilege and Tenure (CPT) reviewed the proposed Presidential Policy on the protection of administrative records containing personally identifiable information. CORCL served as the lead Council for review, and CPT declined to opine on the proposed policy. The Cabinet discussed the Councils' comments on the proposed policy at our November 6, 2018 meeting and unanimously endorsed forwarding Council comments to Academic Council.

Attached please find the Councils' individual responses. A summary of the concerns discussed at Cabinet is also provided below:

- CTLSE and CUARS found the section on the use of private records by the Advancement, Development, and Alumni Offices to be vague. These Councils requested clarification on who would decide if the information "is relevant and necessary to carry out their assigned duties and is clearly related to the purpose for which the information was originally collected" and suggested that clearer guidelines be provided.
- CUARS suggested that section V.A be revised to define "outside the United States."
- CUARS recommends that the processes for an applicant outside the United States to designate their representative and for the University to verify an applicant's identity be made clearer.
- CUARS expressed concern about the security of Personally Identifiable Information (PII) shared for the purposes of statistical and scientific research. Who will be allowed to perform this research, and given that PII includes sensitive personal information including Social Security numbers, how will the University ensure that this information is adequately protected?
- CUARS expressed concern about the proposed language in Section V.A.2, including a statement about legal exceptions for third parties.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Linda Cohen, Chair
Academic Senate, Irvine Division



Enclosures: CORCL response dated 10/29/18
CUARS response dated 10/26/18
CTLSE response dated 10/25/18

C: James Steintrager, Chair Elect, Academic Senate, Irvine Division
Hilary Baxter, Executive Director, Academic Senate
Kate Brigman, Executive Director, Academic Senate, Irvine Division
Laura Gnesda, Analyst, Academic Senate, Irvine Division

October 29, 2018

LINDA COHEN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Systemwide Senate Review of Proposed Presidential Policy BFB-RMB-7 Protection of Administrative Records Containing Personally Identifiable Information

At its meeting on October 18, 2018, the Council on Research, Computing, and Libraries (CORCL) reviewed the proposed Presidential policy on the protection of administrative records containing personally identifiable information in administrative records whether paper, electronic, or other media.

The revision consolidates three existing policies into a revised and updated policy (RMP-7). The consolidation eliminates sections that are no longer pertinent, retains sections that are relevant, and updates others. The Council found the proposed revisions reflect a reasonable balance between the stated aims of the policy and compliance with relevant law.

CORCL has no objections to the proposed revisions which appear to represent a needed consolidation and update. The Council appreciates the opportunity to comment.

On behalf of the Council,



Jeffrey A. Barrett, Chair

c: Kate Brigman, Executive Director
Michelle Chen, CORCL Analyst



October 26, 2018

**LINDA COHEN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

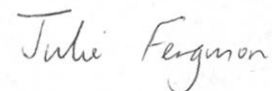
**RE: Systemwide Review of Proposed Presidential Policy BFB-RMP-7,
Protection of Administrative Records Containing Personally Identifiable
Information**

Following its meeting on October 9, 2018, the Council on Undergraduate Admissions & Relations with Schools electronically reviewed the proposed Presidential Policy BFB-RMP-7, which combines and updates BFB-RMP-7, BFB-RMP-11, and BFB-RMP-12 (Privacy of and Access to Information Responsibilities, Student Applicant Records, and Guidelines for Assuring Privacy of Personal Information in Mailing Lists and Telephone Directories).

Council members identified the following concerns and issues:

- Section V.A does not define “outside the United States”. Also, the process for an applicant outside the US to designate their representative, and for the University to subsequently verify their identity, appears vague.
- Section V.A.2.c states that Personally Identifiable Information (PII) can be disclosed for statistical and scientific research as long as confidentiality is assured, but does not stipulate who would be permitted to perform the statistical and scientific analysis of the data. Given that the PII includes critical information such as social security numbers, members were concerned about how the University would ensure that this information would be protected. Specifically, the current proposed language (in V.A.2.c) and the following statement that other legal exceptions apply for third parties (V.A.2.d) appears to be too vague to ensure that Student Applicant Records will indeed be protected and used appropriately.
- In Section V.A.3 it is unclear under what scenario Advancement, Development and Alumni staff would use applicant data in a manner “clearly related to the purpose for which it was originally collected” (i.e. making an admissions decision). We would like to see clearer guidelines about who could access this data and for what purposes.

Sincerely,



Julie Ferguson, Chair

Council on Undergraduate Admissions & Relations with Schools

C: Kate Brigman, Executive Director
Laura Gnesda, Council Analyst



October 25, 2018

**LINDA COHEN, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

**Re: Systemwide Senate Review of Proposed Presidential Policy BFB-RMP-7
Protection of Administrative Records Containing Personally Identifiable
Information**

Academic Council requested a review of the proposed Presidential Policy on the protection of administrative records containing personally identifiable information in administrative records, whether paper, electronic, or other media.

The Council on Teaching, Learning, and Student Experience (CTLSE) reviewed these revisions, and had the following concerns:

The section on the use of private records by the Advancement, Development, and Alumni Office seems rather general and vague. Who decides if the information “is relevant and necessary to carry out their assigned duties and is clearly related to the purpose for which the information was originally collected?”

Sincerely,



Ian Straughn, Chair
Council on Teaching, Learning, and Student Experience

C: Kate Brigman, Executive Director
Academic Senate



December 4, 2018

Robert May
Chair, Academic Council

RE: Systemwide Senate Review: Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information

Dear Robert,

The Executive Board of the UCLA Academic Senate discussed the proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information, at its meeting on November 8, 2018. The Executive Board solicited comments from standing committees of the Senate, as well as the Faculty Executive Committees, to maximize faculty feedback; the individual responses from our various committees are attached.

Executive Board members expressed concerns regarding the following:

- a) Under Section III, Policy Text, (page 5), the reference to APM-160 is footnoted and not part of the text, and seem an afterthought. Executive Board members recommend pulling the footnote into the actual text.
- b) Under Section B. Management of Records containing PII, members recommend changing individuals “may” be notified... to “must” be notified ...
- c) Under Section V.A.2, Third Parties (page 11), the categories do not make sense and are ambiguous. The original document had “or” after each category, which has been removed from *a* and *b*; meaning is unclear. Is it *a*, *b*, *c*, then “or” *d*? Members request that the text for these categories be made clear. Regardless, members disagreed with “*d*. Other legal exceptions apply.”

The Executive Board appreciates the opportunity to opine. Please feel free to contact me should have any questions.

Sincerely,



Joseph Bristow
Chair, UCLA Academic Senate

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate
Sandra Graham, Immediate Past Chair, UCLA Academic Senate
Michael Meranze, Vice Chair/Chair-Elect, UCLA Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate

November 5, 2018

To: Senate Executive Board
Joe Bristow, Senate Chair
Academic Senate

From: George Dutton, Chair
Academic Freedom Committee



Re: Request for feedback on proposed revisions to Presidential Policy BFB-RMP-7 “Protection of Administrative Record Containing Personally Identifiable Information”

The Committee on Academic Freedom (“CAF”) thanks you for the opportunity to comment on the above-referenced policy. During their October 24, 2018 meeting, the Committee reviewed the report and discussed possible implications. After further review, the Committee does not feel that this proposal raises significant academic freedom issues because it expressly exclude “teaching and research records,” (BFB-RMP-7, p. 3 n.1) from its definition of covered “Administrative Records.” Thus, any information that faculty, staff (including library staff), or students gather about people in the course of research—for instance, research for biographies, op-eds, articles about real cases or incidents, and the like—would not be covered.

cc:

On behalf of Academic Freedom Committee Members: Kristy Guevara-Flanagan; Moira Inkelas; Mayumi Prins; Eugene Volokh

Academic Freedom Committee Student Representatives: Gabriela Gonzalez; Ying Zhou
Linda Mohr, CAO, UCLA Academic Senate

October 25, 2018

To: Joe Bristow, Academic Senate Chair

From: Sheryl Kataoka 
Privilege & Tenure Chair

Re: Proposed Revisions to Presidential Policy BFB-RMP-7 “Protection of Administrative Records Containing Personally Identifiable Information”

The Privilege & Tenure Committee thanks you for the opportunity to comment on these proposed revisions. The committee felt that generally the policy revisions represent a good effort to be in compliance with a variety of laws regarding personal information. The committee did opine that the policy should provide more clear information about what materials should not be disclosed. In particular, as a committee that reviews confidential grievances as well as conducts formal disciplinary and grievance hearings, the committee members would find it helpful if records pertaining to personnel discipline or grievance cases were more specifically defined both for their committees and for others who might be in a position to release these records. Are records pertaining to grievance or discipline cases considered Administrative Records? If so, which records?

cc: Avanidhar Subrahmanyam, Norweeta Milburn; Vilma Ortiz; Patricia Johnson; Barry O'Neill; Sherod Thaxton

/mmo

October 23, 2018

Professor Joseph Bristow
Chair, UCLA Academic Senate

Re: Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records
Containing Personally Identifiable Information

Dear Chair Bristow,

The committee reviewed and briefly discussed Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information at its October 16th meeting. Members found the proposed revisions to be straightforward and had no additional comments. Thank you for the opportunity to review and comment.

Sincerely,



Julie Bower
Chair, Committee on Faculty Welfare

cc: Members of the Committee on Faculty Welfare
Linda Mohr, CAO, Academic Senate
Valeria Dimas, Executive Assistant
Annie Speights, Committee Analyst, Committee on Faculty Welfare



David Geffen
School of Medicine

memorandum

Faculty Executive Committee
Center for Health Sciences
Mailcode: 172216
www.medschool.ucla.edu/fec

October 30, 2018

To: Joseph Bristow
Senate Chair
UCLA Academic Senate

From: Alon Y. Avidan, M.D., M.P.H.
Chair of the Faculty (DGSOM Faculty Executive Committee)
Professor of Neurology
David Geffen School of Medicine at UCLA

Re: Proposed Presidential Policy BFB-RMP-7, Protections of Administrative Records Containing
Personally Identifiable Information

Dear Dr. Bristow,

The David Geffen School of Medicine Faculty Executive Committee (DGSOM) reviewed and discussed the Proposed Presidential Policy BFB-RMP-7, Protections of Administrative Records Containing Personally Identifiable Information

The Committee approves the mandates contingent on clarifying item B, second paragraph on page 6 of the document. The mandate reads "When PII is disclosed, individuals may be notified according to existing legal requirements, University policy, and campus practices." The faculty suggested that the mandate should read When PII is disclosed, individuals **will** be notified according to existing legal requirements, University policy, and campus practices."

Respectfully,

A handwritten signature in blue ink, appearing to read "Alon Avidan".

Alon Y. Avidan, M.D.
Chair of the Faculty, DGSOM Faculty Executive Committee (FEC)

cc: Nader Pouratian, MD, PhD, Vice Chair of the Faculty (DGSOM Faculty Executive Committee)
Gary J. Schiller, MD, Past Chair of the Faculty (DGSOM Faculty Executive Committee)

UCLA MEMORANDUM

FACULTY EXECUTIVE COMMITTEE
College of Letters and Science

A265 Murphy Hall
Box 951571
Los Angeles, California 90095

To: Joseph Bristow, Chair, Academic Senate
Fr: Aaron Tornell, Chair, College Faculty Executive Committee
Date: October 31, 2018
Re: **College FEC response to Systemwide Review of Presidential Policy BFB-RMP7**

The College FEC appreciates the opportunity to comment on the proposed revisions to the Presidential Policy on the Protection of Administrative Records Containing Personally Identifiable Information. The associated documents were circulated to all of the members of the College FEC via email with a request for comments and concerns raised by this proposed revisions.

While the committee appreciates the opportunity to opine on BFB-RMP7, the members did not have any comments to raise with the Senate Executive Board.

As always, our membership appreciates the consultative process and welcomes the opportunity to participate in the discussion of important matters like this. You are welcome to contact me at tornell@econ.ucla.edu with questions. Mitsue Yokota, Academic Administrator, is also available to assist you and she can be reached at (310) 794-5665 or myokota@college.ucla.edu.

cc: Lucy Blackmar, Assistant Vice Provost, Undergraduate Education Initiatives
Valeria Dimas, Executive Assistant, Academic Senate
Linda Mohr, Chief Administrative Officer, Academic Senate



OFFICE OF THE ACADEMIC SENATE
KURT SCHNIER, CHAIR
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-7954

DECEMBER 5, 2018

ROBERT MAY, CHAIR, ACADEMIC COUNCIL

**RE: PROPOSED REVISED PRESIDENTIAL POLICY BFB-RMP-7 PROTECTION OF ADMINISTRATIVE RECORDS
CONTAINING PERSONALLY IDENTIFIABLE INFORMATION**

Dear Robert:

The proposed revised *Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information* was distributed for comment to standing committees and school executive committees of the Merced Division of the Academic Senate. The Committee for Diversity and Equity, the Committee on Faculty Welfare and Academic Freedom, Graduate Council and Undergraduate Council supported, endorsed, or otherwise raised no objections to the proposed revisions. The Committee on Rules and Elections and the School of Engineering Executive Committee offered comments. These are summarized below, and individual committee comments are appended. All other committees declined to comment.

In its response, the Committee on Rules and Elections encouraged clarification of several points, including

- the meaning of the word “valuable” in the definition of administrative records in section II (p. 3-4);
- the implications of this policy, if any, for the disclosure of faculty research;
- and, given that the policy points readers to policies that address other forms of records (e.g. p. 6, III Policy Text), what policies apply to the records held by the Principal Officers of the Regents; teaching and research records (e.g. library materials, faculty research and teaching materials, students examinations) or records pertaining to individual patient care (medical records).

CRE also noted that the policy does not address cloud storage of personally identifiable information, specifically, who might potentially access that information, and the consequences of such information being stored and backed up in multiple locations with the owner having no control over its persistence.

The School of Engineering Executive Committee emphasized the importance of records protection, and urged that the President engage computer science faculty across the system in such issues to ensure best practices are in place and that policies are continually updated.

We appreciate the opportunity to opine.

Sincerely,



Kurt Schnier, Chair
Division Council

CC: Divisional Council
Hilary Baxter, Executive Director, Systemwide Academic Senate
Laura Martin, Executive Director, Merced Senate Office

Encl (5)

UNIVERSITY OF CALIFORNIA, MERCED

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RULES AND ELECTIONS (CRE)
MERCED, CA 95343

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
(209) 228-7930

October 16, 2018

To: Senate Chair Schnier

From: CRE Chair Viney

Re: [Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information](#)

At its October 8, 2018 meeting, the Committee on Rules and Elections discussed the proposed revisions to the *Presidential Policy BFB-RMP-7: Protection of Administrative Records Containing Personally Identifiable Information*. The committee offers the following questions for consideration.

a) Pages 3 and 4

II. DEFINITIONS

“Administrative Records: As defined in Business and Finance Bulletin Records Management and Privacy-1: University Records Management Program (RMP-1), this term is used to describe any record, regardless of physical form or characteristics, that documents or contains valuable information related to the organization, functions, policies, decisions, procedures, operations, or other business activities of the University”

An internet search was conducted by CRE and yielded no rigorous definitions of the term “valuable” information. Some clarification would be useful.

b) Page 6

III. POLICY TEXT

“This policy applies to all Personally Identifiable Information (PII) in the University of California’s Administrative Records, regardless of the record’s function or medium, and addresses requirements related to the treatment of such information. Requests for academic personnel records from government agencies are governed by Business and Finance Bulletin Records Management and Privacy Policies 9a, 9b, and 9c.⁴

All faculty, staff, and other individuals associated with the University who have access to Administrative Records containing PII must understand their responsibilities for safeguarding the privacy of that information. The Information Practices Coordinators, Campus Privacy Officials, and Records Management Coordinators in consultation with the UC Office of the General Counsel (OGC), are responsible for providing overall policy and procedural guidance to University locations about privacy of and access to Administrative Records.⁵”

CRE wonders what policy *does* apply to the records held by the Principal Officers of the Regents; teaching and research records (e.g. library materials, faculty research and teaching materials, students examinations); or records pertaining to individual patient care (medical records).

- c) It is not clear how this policy will affect disclosure of faculty research. Some clarification regarding this particular aspect would be useful.
- d) The policy does not address cloud storage, specifically, who might potentially access that information, and the consequences of such information being stored and backed up in multiple locations with the owner having no control over its persistence.

Members of CRE thank you and appreciate the opportunity to opine.

Copy: CRE Members
Senate Office



SCHOOL OF ENGINEERING

University of California, Merced
5200 N. Lake Road | Merced, CA 95343
PHONE: 209-228-4411
FAX: 209-228-4047

November 20, 2018

To: Kurt Schnier, Chair, UC-Merced Academic Senate
From: Catherine Keske, Chair, School of Engineering (SOE) Executive Committee
Re: System-wide Review: Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information

The School of Engineering appreciates the opportunity to opine on this issue.

We cannot overstate the importance of ensuring that there is diligence in the protection of administrative records containing personally identifiable information.

We encourage the President to more actively engage Computer Science faculty across the University to ensure that best practices are in place and that policies are continually being updated.

For example, from a divisional perspective, it would be advisable to involve the UC-Merced Information Privacy and Security Committee (IPSC) on matters of advisement and implementation.



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

DYLAN RODRÍGUEZ
PROFESSOR OF MEDIA & CULTURAL STUDIES
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: DYLAN.RODRIGUEZ@UCR.EDU

November 28, 2018

Robert May, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: [Systemwide Review] Proposed Revised Policy: Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information

Dear Robert,

The Executive Council of the Riverside Division discussed the Proposed Revisions to Presidential Policy BFB-RMP-7 - Protection of Administrative Records Containing Personally Identifiable Information at its most recent meeting on November 19, 2018. Respective standing committee chairs reiterated the comments in response memos. The Committee on Faculty Welfare chair shared a specific concern about the policy not being sufficiently clear regarding the matter of how personalized identifiable information would in practice be protected. I trust the Division's consultation will be helpful to the Senate's consultative process.

peace

A handwritten signature in dark ink, appearing to read "Dylan Rodríguez", is written over a light blue horizontal line.

Dylan Rodríguez
Professor of Media & Cultural Studies and Chair of the Riverside Division


CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office



COMMITTEE ON FACULTY WELFARE

October 22, 2018

To: Dylan Rodriguez
Riverside Division Academic Senate

From: Daniel Jeske, Chair 
Committee on Faculty Welfare

Re: FWC review of Revisions to Presidential Policy of PII

FWC met on 10/16/2018 to review the "Proposed Revisions to Presidential Policy on Protection of Administrative Records Containing Personally Identifiable Information." FWC salutes the effort to replace the prior collection of documents with an effectively streamlined and consolidated document that details the relevant information and rules.

One question that did arise concerns the 'how' when it comes to protecting personalized identifiable information. While the proposed revised document mentions a role for a 'Privacy and Information Security Board,' it was unclear to the members on FWC if UCR has such a committee. FWC suggests this committee, if it exists, be more clearly pointed out to the campus. If the committee does not exist at UCR, then it would seem appropriate to form one.



Maurizio Pellecchia, Ph.D.
Professor of Biomedical Sciences
School of Medicine Research Building
Office 317
900 University Avenue
Riverside, CA 92521
Tel 951.827.7829
www.medschool.ucr.edu

October 10, 2018

TO: Senate Division Chair Dylan Rodriguez

FROM: Maurizio Pellecchia, Chair Executive Committee, School of Medicine

RE: Systemwide Review of Proposed Presidential Policy BFB-RMP-7 Protection of Administrative Records
Containing Personally Identifiable Information

The School of Medicine Executive Committee reviewed the above documents at the FEC meeting on September 27, 2018.

The committee noted that the changes are acceptable (we did not identify substantial changes). The matter deal with administrative records that do not include medical records, hence this proposal does not affect the SOM in any particular way.

A handwritten signature in dark ink, appearing to read "Maurizio Pellecchia".

Maurizio Pellecchia, Ph.D.

Professor of Biomedical Sciences

School of Medicine Research Building

Office 317 900 University Avenue Riverside,

CA 92521 Tel 951.827.7829

www.medschool.ucr.edu

TO: Dylan Rodriguez, Chair
Riverside Division

FR: Bruce Link, Interim Chair
Executive Committee, School of Public Policy

RE: Proposed Revised Policy: Proposed Revisions to Presidential Policy BFB-RMP-7
Protection of Administrative Records Containing Personally Identifiable
Information

Date: November 13, 2018

The members of the SPP Executive Committee are happy to have the chance to read the “*Proposed Revisions to Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information*” and are glad that it has been distributed widely. We appreciate the careful vetting it has undergone and will likely continue to undergo. After an internal discussion we have no comments from our group to add.

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ACADEMIC SENATE
Santa Barbara Division
1233 Girvetz Hall
Santa Barbara, CA 93106-3050

(805) 893-4511
<http://www.senate.ucsb.edu>
Henning Bohn, Chair

December 3, 2018

To: Robert May, Chair
Academic Council

From: Henning Bohn, Chair
Santa Barbara Division

A handwritten signature in cursive script that reads "Henning Bohn".

Re: BFP-RMP-7 – Protection of Administrative Records Containing Personally Identifiable Information

The Committee on Research Policy and Procedures reviewed BFP-RMP-7 on behalf of the Santa Barbara Division. The Committee recognizes the necessity of a policy protecting personally identifiable information (PII) and views the draft policy as a good step towards a sound policy. However, there are several imprecisions/unclear wordings that need to be addressed.

1. Definition of PII. The current version is not sufficiently clear and may leave the scope of PII subject to interpretation. For example, there are descriptions of an individual, e.g., gender, that appear not to be part of PII. Also, UC routinely publishes faculty salary, is that part of PII? The definition in the document needs more precision.

2. Parts 3 and 4 in "III. A. Rules of Conduct" seem to demand employees to perform tasks that are beyond the ability/job responsibility of the employee. We suggest a revision to clearly separate the part of PII that an employee has control over and has no control, and describe employee's effort/assistance separately. For the latter, it could be just to redirect the individual making the request to appropriate authorities.



1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

December 5, 2018

Robert May, Chair
Academic Council

**Re: Proposed Presidential Policy BFB-RMP-7 Protection of Administrative Records
Containing Personally Identifiable Information**

Dear Chair May,

The Santa Cruz Division has reviewed and discussed the proposed Presidential Policy BFB-RMP-7 Protection of Administrative Records Containing Personally Identifiable Information by the recommendation of the Policy Advisory Committee (PAC). Responses were received from the Committees on Affirmative Action and Diversity (CAAD), Academic Freedom (CAF), and Rules, Jurisdiction & Elections (RJ&E). We commend the attention to protection of records and the care with which this policy has been revised and offer some recommendations.

All the reviewing committees found the given definition for the Personally Identifiable Information (PII) requiring further clarification, specifically in regards to “physical description” and “statements being made or attributed to the individual” (page 4). CAF states, “The intent of including either of these under protected information is unclear, and the inclusion of the latter may directly interfere with the free circulation of ideas that is fundamental to the daily academic operations of the university.” The committees recommend that the definition for Personally Identifiable Information be expanded as it relates to privacy protections.

CAF was apprehensive with regards to Sections V.A.1 and V.A.3, regarding access to student applicant records. If parents are denied access to applicant records without student permission (in accordance with FERPA), why, the committee asks, is the Advancement, Development and Alumni Office granted access? This is particularly concerning if this office is granted permission to applicant records simply based on an absence of legislation that forbids or restricts it.

CAAD and CAF reiterate RJ&E’s astute attention to “Evaluating Use or Disclosure of PII”: “The threshold for disclosure is not clear at minimum and worrisome at its extreme....it would be better to apply a clear positive test and adopt the stance that *the interests served by disclosure must be proven to outweigh the individual’s privacy interest.*”

Lastly, RJ&E suggests that the policy should make clearer affirmative statements defining which records fall under the policy and which do not, and that such statements should be integrated into the policy proper (page 3, footnote 1). The policy should also include links when referencing UC's policy with respect to Family Educational Rights and Privacy Act (FERPA) and the General Data Protection Regulation (GDPR).

On behalf of the Santa Cruz Division, we appreciate the opportunity to comment on this proposed policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly Lau', with a stylized flourish at the end.

Kimberly Lau, Chair
Academic Senate, Santa Cruz Division

cc: Elizabeth Abrams, Chair, Committee on Affirmative Action and Diversity
Gail Hershatler, Chair, Committee on Academic Freedom
Jason Nielsen, Chair, Committee on Rules, Jurisdiction and Elections



OFFICE OF THE ACADEMIC SENATE
9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

December 5, 2018

TOM ANDRIOLA
Vice President and UC Chief Information Officer
Information Technology Services

SUBJECT: Proposed UC Presidential Policy – BFB-RMP-7, Protection of Administrative Records
Containing Personally Identifiable Information

Dear Vice President and CIO Andriola:

The proposed UC Presidential Policy – BFB-RMP-7, Protection of Administrative Records Containing Personally Identifiable Information was circulated to standing Senate committees for review, and was discussed at the San Diego Divisional Senate Council's meeting on December 3, 2018. The San Diego Divisional Senate Council has no objections to the proposed policy revisions.

Sincerely,

A handwritten signature in cursive script, reading "Robert Horwitz".

Robert Horwitz, Chair
Academic Senate, San Diego Division

cc: H. Baxter M. Corr R. Rodriguez



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Sean Malloy, Chair
smalloy@ucmerced.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

December 10, 2018

**ROBERT MAY, CHAIR
ACADEMIC COUNCIL**

**RE: Proposed Revisions to Presidential Policy on Protection of Administrative Records
Containing Personally Identifiable Information**

Dear Robert,

The University Committee on Faculty Welfare (UCFW) has discussed the Proposed Revisions to Presidential Policy on Protection of Administrative Records Containing Personally Identifiable Information (PII). UCFW appreciates the need for UC to be transparent, but we urge the Council to weigh carefully individual privacy concerns that could be impacted by the policy. Careful guidelines must be developed to help those whose information is governed by this policy understand how the protection or disclosure of their PII would be helpful or harmful both to them and to the institution. The policy language itself does not address this nuance. The document mentions, for example, that it is the University's policy to require individuals identify themselves before entering certain campus buildings is approved because the University's obligation to protect the physical safety of individuals on campus outweighs an individual's privacy interest in anonymity. Other examples are difficult to identify, though. The UC community should know the standard by which privacy versus transparency is weighed.

Thank you for helping to advance our shared goals.

Sincerely,

Sean Malloy, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate