

ATTACHMENT C

Access to Personal Information

Access by Individual Subject of the Record

Records containing personal information shall be made available to the individual subject of the record upon an unsolicited written or oral request and with proper identification.

1. A record shall be made available within 30 calendar days of the request except that a record located at a storage center shall be made available within 60 calendar days. Failure to reply to the request within these time periods shall be considered a denial of the request.
2. The record or an exact copy of the record may be inspected at the campus. An individual may have an exact copy of all or any portion of the record within 15 calendar days of the inspection. If the individual requesting access cannot come to the campus to inspect records, the individual may request, in writing, that the University mail an exact copy of the records to a designated address. Such written request shall be accompanied by a certification that the requestor is the individual to whom the information pertains. A sample request and certification form are available from the Records Management Coordinator.
3. Information, including letters of recommendation, compiled for the purpose of determining suitability, eligibility or qualifications for employment, re-appointment, advancement, or promotion, and received with the promise that the identity of the source of the information would be held in confidence (or, if compiled prior to 7/1/78, with the understanding that the identity of the source of information would be held in confidence) shall be released to the individual to whom the information pertains as follows:
 - A copy of the text of the material with such deletions made as necessary to protect the identity of the source of the information; or
 - A comprehensive summary of the information. (Only in this form for academic personnel.)

However, the identity of the source of the information shall be released to the individual if the source is the employee's supervisor, unless the supervisor is a chairperson of an academic department.

Full disclosure shall be made to the individual of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to any individual's reputation, rights, benefits, privileges, or qualifications, or be used by the campus to make a determination that would affect an individual's rights, benefits, privileges, or qualifications.

Note: (1) A record containing confidential information shall not be available to the individual subject of the record, except that medical, psychiatric, or psychological material will be made available when the campus determines that disclosure would not be medically or psychologically detrimental of the individual. If determined that disclosure would be medically or psychologically detrimental to the individual, the information shall, upon written authorization of the individual, be disclosed to a physician, psychiatrist, or other licensed medical or psychological personnel designated by the individual to whom the record pertains. An individual will be notified within 30 calendar days of a request if the record is a confidential one and not releasable to him or her. (2) In disclosing information in a record to any individual, the campus will not disclose any personal information relating to another individual or any confidential information in the record.

Access by University Employees and Officials

University of California employees, officials, or volunteers shall have access to specific information in the records when necessary to the performance of their assigned duties and if the use of such records is consistent with the purpose(s) for which the information was acquired.

Access by All Others:

The campus will not disclose any personal information maintained on an individual to others unless:

1. The individual to whom the record pertains has given prior written consent within 30 calendar days of the disclosure or within a time limit specified by the individual in the written consent.
2. The individual to whom the record pertains has a duly appointed guardian or conservator, or is represented by another person and it can be proven with reasonable certainty that such person is the authorized representative of the individual to whom the information pertains.
3. The information is available to members of the public in accordance with provisions of the California Public Records Act. This includes information which is a part of an individual's employment contract with the University. The following information shall be released to a member of the public upon request: the employee's date of hire, current job title, current rate of pay, organizational unit assignment, and current job description.
4. The campus has received advance, adequate, written assurance that the information will be used solely for statistical research or reporting purposes, and the information is in a form that will not identify an individual.
5. The transfer of the information to a person or state agency is necessary for the requesting agency to perform its constitutional or statutory duties, and such use is compatible with a purpose for which the information was collected.
6. The record is requested under a state or federal law and is released to a governmental entity.
7. The campus determines that compelling circumstances exist which affect the health or safety of an individual. A notice that the information has been disclosed will be sent to the individual at his or her last known address.
8. The disclosure is pursuant to a subpoena, court order, or other circumstances where the University is required by law to release the information, if, before the disclosure, the campus reasonably attempts to notify the individual.
9. The disclosure is pursuant to a search warrant.
10. The disclosure is to a law enforcement agency when required to an investigation of a criminal activity, unless such disclosure is otherwise prohibited by law.
11. The information, is to a department of the University or a nonprofit educational institution conducting scientific research, provided the request for information includes assurances of the need for personal or confidential information; procedures for protecting the confidentiality of the information; and assurances that the personal identity of the subject shall not be further disclosed in individually identifiable form.
12. The disclosure is in response to a request by a prospective non-University employer who, in the judgment of the department head/division leader, has a legitimate interest in receiving such information. In such a circumstance, a department head/division leader may provide a general oral evaluation of an individual on a confidential basis.
13. The disclosure is to a committee of the State Legislature or to a member of the State Legislature when the member has the permission of the individual to whom the information pertains.