Access to University Records

Purpose

This policy explains campus responsibilities, under the California Public Records Act (CPRA) and the California Information Practices Act (CIPA) for responding to requests to provide access to or copies of University documents, including personnel and general business records. It does not apply to subpoenas (see Administrative Policy 050-18, Subpoena).

Definitions

Global Request

A CPRA or CIPA request for documents that reside in more than one campus unit (e.g., Accounting and Purchasing; Academic Personnel, School of Medicine, and Office of Research)

Personal Information

Any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual.

Public Records

Includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics"[Government Code section 6252(d)].

Single-Unit Request
A CPRA or CIPA request for documents that reside in one campus unit only (e.g., Development Office)

Unit

An individual department or division reporting to a dean, vice chancellor, or medical center chief executive officer (e.g., Capital Projects and Facilities Management)

Unit Coordinators

Individuals designated by school deans, vice chancellors, and the medical center chief executive officer to coordinate and collect documents from among their respective units in response to CPRA or CIPA requests.

Writing

Handwriting, typewriting, printing, photostatting, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents."[Government Code 6252(e)]. This definition should be read to include electronic communications as well.

Policy

A. California Public Records Act (CPRA)

1. The fundamental precept of the CPRA is that governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so.

2. The decision whether to disclose University records is governed by numerous state and federal statutes, as well as internal University controls. The process is complex, and frequently involves legal and policy analysis and determinations. Substantive privacy restrictions and disclosure requirements are not addressed in this policy.

3. The University supports the principle that access to information concerning the conduct of business at a public University is a right of every citizen; however, that right is limited when appropriate to protect the individual's fundamental right of privacy.

4. All requests must be made in writing via delivery, USPS, or e-mail; oral requests for documents will not be honored.
5. The CPRA law requires an initial written response to the requester within ten days of receipt of the request. Legal Affairs should be consulted on the preparation of such responses. The Communications Manager in the Office of the Chancellor must be copied on all written correspondence sent to the requester.

B. California Information Practices Act (CIPA)

1. The fundamental precept of the CIPA is that with the proliferation of information being collected by governmental agencies about individuals, that individuals should have the right to know, with some legally recognized exceptions, what information has been collected and have access to it.

2. The decision whether to disclose University records is governed by numerous state and federal statutes, as well as internal University controls. The process is complex, and frequently involves legal and policy analysis and determinations. Substantive privacy restrictions and disclosure requirements are not addressed in this policy.

3. The University supports the principle that access to information concerning an individual is a right of every citizen; however, there are legally recognized limits.

4. All requests must be made in writing via delivery, USPS, or by e-mail and with proper identification; oral requests for documents will not be honored.

5. The CIPA requires that access is required within 30 days to active files or other information and 60 days for inactive files, unless the information is covered by the exceptions to disclosure. Legal Affairs should be consulted on the preparation of such responses. The Communications Manager in the Office of the Chancellor must be copied on all written correspondence sent to the requester.

C. Types of Requests

1. Requests for Documents That Are Personal to the Requester: All CIPA requests must include a consent signed by the individual who is requesting access to his or her personal records. Proper identification must be obtained. Not all records which pertain to the person making the request are subject to disclosure because of confidentiality provisions of various statutes or University policies. (See Section V. Related Policies, below). Specific questions should be directed to the appropriate academic office, the pertinent institutional records department, or Legal Affairs.

2. "Single Unit" Requests: CPRA and CIPA requests may involve documents from only one unit and may be forwarded to the unit by the Office of the Chancellor. If the requester contacts a unit directly, the unit coordinator should be notified immediately. In either case, the unit coordinator must immediately contact the Office of Legal Affairs for guidance to ensure prompt compliance with the law.

3. "Global" Requests: CPRA and CIPA requests for documents that involve more than one unit are considered "global" requests and are coordinated by the Communications Manager in the Office of the Chancellor. Because strict time restrictions apply to document requests made under numerous state and federal statutes, global requests should be copied and forwarded to the Office of the Chancellor promptly.
NOTE: Requests for information, via telephone or email, may not constitute a request for documents. For guidance in determining whether a request is subject to either the CPRA or the CIPA, contact the Office of Legal Affairs.

Responsibilities

A. Upon receipt of requests from members of the media (e.g., journalists, TV/radio stations, other press), for documents or other information units must contact campus News Services in order for that office to provide coordination of the response.

B. Units are responsible for making a copy of all responsive documents; original documents should not be used for review purposes. The cost of reproduction of documents is the responsibility of the unit since compliance with the CPRA and the CIPA is an unfunded mandate. For global requests, the Office of the Chancellor will be financially responsible for the final copy produced to the requester.

C. Contact the Office of Legal Affairs with any questions.

Related Policies

- 050-18 - Subpoena

References

- California Civil Code: Information Practices Act of 1977 (Section 1798 et seq.)
- California Government Code: Inspection of Public Records/California Public Records Act (Section 6250 et seq.)
- Contract and Grant Manual, Office of the President: Records/Paperwork Access and Management
- Freedom of Information Act (FOIA)
- Personnel Policies for UC Staff Members, Office of the President: Staff Personnel Records (Section 80)
- UC Business and Finance Bulletins, Office of the President: Privacy of and Access to Information Responsibilities (RMP-7); Legal Requirements on Privacy of and Access to Information (RMP-8); Education Rights and Code, Public Records Act; Information Practices Act A through G; Information Practices Act H through Q; Exhibits A, B, C, & D; Guidelines for Access to University Personnel Records by Governmental Agencies (RMP-9): Correspondence; Guidelines for Access to University Personnel Records by Governmental Agencies; Maintenance, Access, Opportunity to Request Amendment; Instructions for Responding to Subpoena (RMP-10)
- University of California Electronic Mail Policy, Office of the President
- University of California Information Practices and Special Projects Website, Office of the President
- University of California Policy on Relations with Employee Organizations (HEERA)