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To: CSU Presidents

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From: Jackie R. McClain
Vice Chancellor

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To protect confidential personal data, each campus and the Chancellor's Office must follow the measures outlined below:

1. Each campus and the Chancellor's Office must ensure that all em

INFORMATION PRACTICES ACT OF 1977, CALIFORNIA CIVIL CODE

As outlined in HR Letter 2005-01, each campus and the Chancellor's Office have the legal responsibility to administer and comply with provisions of the Information Practices Act (IPA) which is contained in §1798 - §1798.78, of the California Civil Code. The IPA can be found on the Web at: <http://www.privacy.ca.gov/code/ipa.htm>. The IPA places specific requirements on state agencies in relation to the collection, use, maintenance and dissemination of information relating to individuals. Careless, accidental, or intentional disclosure of information to unauthorized persons can have far-reaching effects, which may result in disciplinary action against those involved in unauthorized disclosure (§1798.55) and civil action against the CSU with a right to be awarded reasonable attorney's fees, if successful. For reference, the following **summary** is provided:

Article 1: General Provisions and Legislative Findings

§1798.1 The Legislature declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them. The Legislature further makes the following findings:

- a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.
- b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.
- c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits.

Article 2: Definitions

§1798.3. As used in this chapter:

- a) The term "personal information" means 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.

...

- c) The term "disclose" means to disclose, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in writing, or by electronic or any other means to any person or entity.

Article 5: Agency Requirements

§1798.14. Each agency shall maintain in its records only personal information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.

§1798.18. Each agency shall maintain all records, to the maximum extent possible, with accuracy, relevance, timeliness, and completeness...

§1798.20. Each agency shall establish rules of conduct for persons involved in the design, development, operation, disclosure, or maintenance of records containing personal information and instruct each such person with respect to such rules and the requirements of this chapter, including any other rules and procedures adopted pursuant to this chapter and the remedies and penalties for noncompliance.

§1798.21. Each agency shall establish appropriate and reasonable administrative, technical, and physical safeguards to ensure compliance with the provisions of this chapter, to ensure the security and confidentiality of records, and to protect against anticipated threats or hazards to their security or integrity which could result in any injury.

§1798.22. Each agency shall designate an agency employee to be responsible for ensuring that the agency complies with all of the provisions of this chapter.

Article 6: Conditions Of Disclosure

§1798.24. No agency may disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains... [Exceptions to this rule

