UC PRIVACY AND INFORMATION SECURITY STEERING COMMITTEE

Agenda for the June 28, 2011 audio ReadyTalk call

A. Draft Statement of Privacy Values

B. Preliminary draft outline of the Steering Committee’s final report
The University of California respects the privacy of individuals. Privacy plays an important role in human dignity, and is necessary for an ethical and respectful workplace. The right to privacy is declared in the California Constitution.

Privacy consists of (1) information privacy, the appropriate protection, use and dissemination of information about individuals, and (2) autonomy privacy, an individual's ability to conduct activities without concern of or actual observation.

The University must balance its respect for both types of privacy with its other values and legal, policy, and administrative obligations.

Academic and intellectual freedoms are values of the academy that help further the mission of the University. These freedoms are most vibrant where individuals have autonomy: where inquiry is free because it is given adequate space for experimentation and the ability to speak and participate in discourse within the academy is possible without intimidation.

Transparency and accountability are values that form the cornerstone of public trust. Access to information concerning the conduct of business in a public university and an individual’s access to information concerning him/herself is a right of every citizen as stated in the California Constitution.

Thus the University continually strives for an appropriate balance between:

- ensuring an appropriate level of privacy through its policies and practices, even as interpretations of privacy change over time;
- nurturing an environment of openness and creativity for teaching and research;
- being an attractive place to work;
- honoring its obligation as a public institution to remain transparent, accountable and operationally effective and efficient; and
- safeguarding information about individuals and assets for which it is a steward.

1. Declare privacy as an important value of UC.

2. Define privacy.

3. Explain that privacy does not exist in a vacuum and must be balanced with other UC values and obligations.

4. Highlight the values of academic and intellectual freedom as fundamental to an educational and research institution.

5. Highlight the values of transparency and accountability as fundamental to a public institution.

Steering Committee Deliverable: Report to the President by March 2012

Charge to Committee

1. An overarching privacy framework that enables UC to meet statutory and regulatory obligations in a manner respectful of individual privacy;
2. Specific actions or phases needed to implement this framework as University policy;
3. Governance, implementation and accountability structures across the University with respect to privacy and information security; and
4. A formal ongoing process through which the University can examine and where necessary address through policy vehicles the technical and societal changes that have an impact on University policy and practice in the areas of privacy and information security.

Detailed Outline of Report (Wkgrp Draft)

1. Executive Summary
2. Recommendations
3. Privacy Decision Models
   3.1. On demand group
   3.2. Standing committee
   3.3. Embedded in larger committee/group
   3.4. Discussion points
      3.4.1. Long term requirements are not clear at this time
      3.4.2. Start by identifying policy statements on campus; consolidating into a common policy framework; updating where necessary
      3.4.3. Identify opportunities for consistency
4. Current Situation
   4.1. Problem and issues that motivated the charge to the Committee
   4.2. Current state of UC privacy governance, oversight and policies
      4.2.1. Academic Freedom
      4.2.2. ECP
      4.2.3. Information Security
      4.2.4. Others
5. Process used to produce the Final Report
   5.1. Privacy frameworks evaluated—both internal and external
   5.2. Other UC materials related to privacy concepts
   5.3. GAPP and mapped to the UC ethical value statement
   5.4. Fair Information Practices
   5.5. Various campus statements of diversity
   5.6. Significant take-aways from this body of work
5.7. Steering committee and workgroup activities

6. Foundational Issues (probably needs to go somewhere else in the outline; perhaps as an appendix)
   6.1. Definitions
       How will UC define privacy
       What candidate definitions were considered
       What selections were made and why
   6.2. Informational and Autonomy
   6.3. Privacy Principles
   6.4. Support and conflict with Security
   6.5. How privacy and security work together; are different
       Principles of security
       Balance discussion of privacy and security

7. Statement of UC Privacy Values
   7.1. Proposed Statement
   7.2. Discussion
       Rationale for the proposed statement
       What were the key influencers
       What areas were discussed but left out and why
       How will UC and campuses use this statement—how will it guide privacy policy, decisions, behaviors; how can it be integrated into campus life

8. Strategic Directions for Policy
   Concrete items that campuses are wrestling with and which the workgroup recommends UC provide strategic direction guidance.
   8.1. General Approach
       For each issue, explain the situation; the background that lend up to the situation; use the privacy principles and value statement to apply the balancing test; discuss the implications to campus and UC of the result.
   8.2. Top Ten issues (tentative list)
   8.3. Main principles discussion
       8.3.1. Default Condition
       8.3.2. How value statements get used
       8.3.3. Sample of a privacy analysis using values/principles
   8.4. Operational Issues and Concerns
       8.4.1. How we operate
       8.4.2. Dealing with outsiders(?); influencing privacy practices
       8.4.3. Privacy by design; privacy assessment;
       8.4.4. Simplified consumer choice; opt-in/out; reuse without consent
8.4.5. Make data practices transparent to users; GAPP; educate users about privacy choices and the impact of those choices
8.4.6. User access and amendment of PII held by __________

8.5. Incidental Use provision of ECP

8.6. Scanning of Personal Information:
   General rule
   Conditions where scanning is acceptable

8.7. Labeling of Personal vs Campus Data
   Re-vitalize the use of disclaimers on communications

8.8. Individual Consent
   When is consent required, recommended for campus use of PII outside of the original purpose;

8.9. Should purpose be narrowly or broadly construed for campus PII data collection—should this be elevated as a UC privacy value statement or principle

8.10. Online practices
   8.10.1. Employee monitoring; student monitoring using PII
   8.10.2. Use of PII in the Infosec context
   8.10.3. Others??

9. Governance
   How will we build a culture of privacy at UC
   What mechanisms do we need to promote awareness and understanding of our privacy culture
   How do we resolve conflicts related to privacy rights
   How do we integrate privacy into overall UC ethics

9.1. Stakeholders
   What are the classes of individuals for which we want to assure privacy protections
   What roles and responsibilities are needed to achieve assurance
   (sets up the requirements discussion at e and f)

9.2. Privacy Focus
   Does privacy need a separate governance focus?

9.3. Governance Domains for Privacy
   9.3.1. Alignment—how do we assure the UC privacy program is properly aligned with our mission, vision, values, and transparent to our strategic objectives
   9.3.2. Value—how do we communicate the value of having a UC privacy program
   9.3.3. Risks—what are the risks to our stakeholders of not formalizing a UC privacy program
   9.3.4. Resources—what are the critical resources needed to manage a UC privacy program
   9.3.5. Performance metrics—what metrics will keep us all focused on privacy objectives; what do we need to collect and evaluate progress against these metrics

9.4. Existing models
   Can we leverage existing programs (e.g., med center privacy programs or campus entities?)
   What can we extract for them for governance purposes?

9.5. System level governance requirements

9.6. Campus level governance requirements
10. General Implementation Recommendations
11. UC Privacy Policy Framework
   Template Policy(ies)

12. Attachments (TBD)
13. Reminder to address changes/deletions to initial charge (Framework, etc)

14. Default Condition
   14.1. Who may do what, when, and for what purpose.
   14.2. When is notice and consent required
   14.3. When is opt-in or opt-out; conditions for each

15. Other
   15.1. Use of network and communications applications
   15.2. Use of owned computers
# STEERING COMMITTEE MEMBERS

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<thead>
<tr>
<th>Role</th>
<th>Name and Position</th>
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<tbody>
<tr>
<td>Chair</td>
<td>Gene Lucas, Santa Barbara Executive Vice Chancellor</td>
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<tr>
<td>Systemwide Representation and Support</td>
<td>Sheryl Vacca, Office of the President Senior Vice President, Chief Compliance and Audit Officer</td>
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<td>David Ernst, Office of the President Associate Vice President, Information Resources and Communications and Chief Information Officer</td>
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<td>2 faculty members designated by the UC Academic Senate</td>
<td>Matthew Franklin, Davis Professor of Computer Science</td>
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<td>Rafail Ostrovsky, Los Angeles Professor of Computer Science</td>
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<td>1 privacy expert</td>
<td>Christine Borgman, Los Angeles Professor and Presidential Chair, Information Studies</td>
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<td>Vice Chancellor for Research</td>
<td>Charles Louis, Riverside Vice Chancellor</td>
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<td>Lee Giddings, San Diego Health Sciences Chief Compliance and Privacy Officer</td>
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<td>Dan Simmons, Systemwide Academic Senate Academic Senate Chair</td>
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<td>Kent Wada, Los Angeles Director, Strategic IT and Privacy Policy</td>
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