

ANR Administrative Handbook Section 402 RECORDS	Date: 07/21/06 Supersedes: 06/01/93
RESPONSIBLE DEPARTMENT: Office of the Controller and Business Services (OCBS)	
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I. INTRODUCTION

- A. The University of California (UC), Agriculture and Natural Resources (ANR) is required to administer its records in accordance with the California Public Records Act, the California Information Practices Act, other State and Federal requirements, and UC policy. Requirements are detailed in UC [Business and Finance Bulletin RMP-8](#).
- B. For purposes of this document, the ANR Coordinator – Administrative Policies and Business Contracts, is considered the local Information Practices Coordinator as cited in the above-mentioned RPM-8.
- C. The information presented here is general, but each information request is specific and unique. ***Before releasing records, please contact both the Regional Chief Administrative Officer and the ANR Coordinator – Administrative Policy and Business Contracts for assistance.*** This is particularly important should any information contained in the subject records need to be redacted (deleted – explained further below).

II. APPLICABLE STATUTE – BASIC INFORMATION

- A. Information practices requirements at UC are derived from two principal sources:

1. The California Public Records Act, and
2. The California Information Practices Act.

III. THE CALIFORNIA PUBLIC RECORDS ACT

- A. The California Public Records Act established information access as a fundamental right of all Californians. Under this act most ANR records are subject to disclosure.
- B. "Public records" comprise any information prepared, owned, used, or retained by UC, regardless of physical form (note that email is specifically included).
- C. ANR must respond to information requests within 10 days, acknowledging receipt of the request, and indicating whether or not it will be complied with (and if not, why). Copies of the requested documents themselves may be provided subsequently (i.e., after the 10-day period), especially if the request is for a great deal of material or is otherwise difficult to respond to.
- D. For the most part, ANR employee personal information (such as home addresses and telephone numbers) should not be made available (further explained below).

IV. THE CALIFORNIA INFORMATION PRACTICES ACT of 1977

- A. The California Information Practices Act of 1977 protects the privacy of individuals by establishing requirements that safeguard private information contained in the records of agencies such as UC.
- B. In this context, private information refers to information about people that contains an identifying particular (such as name or social security number).
- C. Private information comprises four (4) specific categories:
 1. Confidential Information
 - a) Has the most restricted access, and is not usually accessible – either to the individual to whom it pertains, or to others.
 - b) Examples include mental health records, records on alcohol and drug abuse, and criminal law enforcement records.
 2. Confidential Academic Information
 - a) Is governed by [UC Academic Personnel Manual, Section 160](#).
 - b) Examples include academic evaluations and letters of recommendation.

3. Personal Information

- a) Access is provided to the individual to whom the information pertains, but only very limited access is allowed to others.
- b) Is material that, if made public, would result in an invasion of personal privacy.
- c) Examples include birth date and social security number.

4. Nonpersonal Information

- a) Similar to public information, and usually accessible.
- b) Is factual data that does not reflect negatively on an individual.
- c) Examples include an individual's name, hire date, and salary.

D. The general requirements of the Information Practices Act oblige UC to:

- 1. Keep information about individuals only if it is necessary and relevant to business operations.
- 2. Collect information directly from the individual, rather than from another source (as much as possible).
- 3. Maintain information in an accessible form so it can be provided upon request.
- 4. Maintain records with accuracy, relevance, and completeness.
- 5. Protect an individual's name and address from distribution for commercial purposes.
- 6. Establish rules of conduct and provide training for records maintenance personnel.
- 7. Ensure security and confidentiality of records.
- 8. Apply this policy to records that UC has contracted to maintain.
- 9. Ensure that no records are modified, transferred, or destroyed to avoid compliance with these legal requirements. Violation may lead to civil action under the State law.

E. Deletion of Information Prior to Disclosure

- 1. In making records accessible, confidential information must not be inappropriately disclosed. Accordingly, all such information is deleted (redacted).

F. Penalties

1. Intentional violation of any provision of the Information Practices Act may result in discipline, including termination of employment.
2. Acquisition of personal or confidential information from UC under false pretenses is a misdemeanor offence, carrying with it a fine of not more than \$5,000, or imprisonment of not more than one year, or both.

V. FEES

ANR does not charge a fee for providing up to 20 pages of material in response to a single request. The fee to be charged for providing copies in excess of 20 pages is \$.10 a page for all pages provided (see also Appendix A, *Recommended Functional Implementation of Records Policy* below).

ADDITIONAL RESOURCES:

- UC Business & Finance Bulletin RMP-8, [Legal Requirements on Privacy of and Access to Information](#)
- UC Business and Finance Bulletin – [Records Management and Privacy Series](#)
- ANR Administrative Handbook Section 460, [Summons and Court Trials](#)
- Information Practices [Frequently Asked Questions \(FAQ\)](#)
- [The ABC's of Privacy & Public Records](#)

APPENDIX A
**RECOMMENDED FUNCTIONAL IMPLEMENTATION
OF RECORDS POLICY**

(For use throughout ANR, specifically including Statewide Programs and Research and Extension Centers. As used below, the term “County office” should be construed to mean “Statewide Program office,” or “Research and Extension Center” as may be appropriate.)

1. Records requests should be submitted in writing (fax and email acceptable). If records are requested verbally, respond by asking the individual to submit his/her request in writing. Note that the below procedures also apply to records requested via subpoena (see also ANR Administrative Handbook Section 460, [*Summons and Court Trials*](#)).
2. When the written records request is received, advise the County Director (or Program Director or REC Director as appropriate), the Regional Director, the Chief Administrative Officer (CAO), and the ANR Coordinator – Administrative Policy and Business Contracts (Coordinator).
3. Forward a copy of the records request to the Coordinator (via fax or email, whichever is more convenient for the County office), and advise the Coordinator of any particular questions or concerns regarding the specific request.
4. The Coordinator will review the request. If necessary, the Coordinator and Controller will consult with the Office of the General Counsel of The Regents. Input will also be sought from other ANR specialists as necessary (for example, the ANR Affirmative Action Director, the ANR Human Resources Director, and so on).
5. The Coordinator will advise the County office as to the records to be produced (if any), and ask that they be forwarded to the Coordinator. When forwarding copies of the records, the County office should also supply an invoice for reproduction costs (if any) as described below.
6. County offices may assess fees to offset reproduction costs incurred in the fulfillment of a records request as follows:
 - a. No Charge: 1 to 19 pages of material
 - b. \$0.10 per page: Twenty or more pages of material size 8½” x 14” (or smaller)
 - c. \$0.20 per page: Copies of documents stored on microfilm
 - d. Actual Cost: Actual costs (if any) charged to UC by an outside firm for the retrieval and return of those records held by such a third-party.

Checks are to be made payable to “The Regents of the University of California.”

6. Upon receipt of the records from the County office, the Coordinator will redact personal information from the records as may be necessary.
7. As appropriate, the Coordinator will issue written notice to the subject of the records that information regarding them is about to be released. For example, if the personnel records of an ANR employee are requested by a third party, the Coordinator will notify the ANR employee in writing that information pertaining to them is about to be released as required by UC policy and statute.
8. Under cover of a written transmittal letter, the Coordinator will supply the requestor with copies of the records, along with the reproduction cost invoice (if any). The transmittal letter will be copied to the County office, the County Director (or Program Director or REC Director as appropriate), the Regional Director, and the CAO.
9. After his/her receipt of the records, any further questions or concerns that the requestor may have should be referred to the Coordinator.
10. Upon receipt, the Coordinator will transmit any payment received for reproduction costs to the County office.