

California State University San Bernardino
CONFIDENTIALITY ACCESS AND COMPLIANCE FORM
Statement of Confidentiality of Records and Information Systems

The California State University (CSU) has responsibility to protect sensitive personal data and maintain confidentiality of that data under the Information Practices Act (IPA), Title 5, and FERPA. Personal data includes, but is not limited to, the following data: Social Security Number (SSN), Date of Birth (DOB), home address, home phone number, physical description, medical history, gender and ethnicity. The Office of the Chancellor issued Coded Memorandum ([HR2002-27](#) and [HR2003-5](#)) detailing the CSU's requirements for protecting confidential data. Additionally, the Office of General Counsel for the CSU issues and maintains a Records Access Manual, which provides an overview of federal and state law governing access to records possessed by the CSU.

In light of rapidly changing technology and increased Internet use, this form is written to highlight the importance of CSUSB's responsibility for the confidentiality of personal information. The Information Practices Act, California Civil Code Section 1798, et seq. protects individuals' privacy rights in "personal information" contained in state agency records. Additionally, Sections 42396 through 42396.5 of Title 5 of the California Code of Regulations address privacy and the principles of personnel information management. The Family Educational Rights and Privacy Act of 1974 (FERPA) affords student certain rights with respect to their education record. One of which is the right to consent to the disclosure of personally identifiable information except to the extent that FERPA authorizes disclosure without consent. CSUSB's Records, Registration, and Evaluations Office provide campus guidelines for complying with FERPA. Furthermore, CSUSB's Acceptable Use Policy for Electronic Communications provides general principles regarding respect for privacy and sharing of account passwords. Further information on these state and federal laws as well as CSUSB's policies, can be obtained at the following web site locations:

- Information Practices Act of 1977
<http://www.privacy.ca.gov/code/ipa.htm>
- California Code of Regulations-Title V
<http://ccr.oal.ca.gov>
- Family Educational Rights and Privacy Act (FERPA)
<http://www.ed.gov/offices/OM/fpco/ferpa/>
- Requirements for Protecting Confidential Contractor Data: Updated to Reflect Faculty Unit Confidentiality Agreement Requirement
<http://www.calstate.edu/HRAAdm/pdf2004/HR2004-08.pdf>.
- CSU Coded Memorandum HR2002-27 – Requirements for Protecting Confidential Data
<http://www.calstate.edu/HRAAdm/pdf2002/HR2002-27.pdf>
- CSU Coded Memorandum HR2003-5 – Req. for Protecting Confidential Data - Updated
<http://www.calstate.edu/HRAAdm/pdf2003/HR2003-05.pdf>
- CSU Records Access Manual (February 2003)
http://www.calstate.edu/Gc/Docs/Records_Access_Manual.doc
- Policy and Procedures for Student Records Administration
http://policies.csusb.edu/student_records_administration.htm
- Acceptable Use Policy for Electronic Communications
<http://policies.csusb.edu/eleccomm.htm>

INFORMATION PRACTICES ACT OF 1977

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To ensure contractors understanding of the Information Privacy Act (IPA) and to prevent inappropriate disclosure of information, the University had provided a summary of key components below.

A. General Provisions and Legislative Findings

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. All individuals have a right of privacy in information pertaining to them. The California's Legislature has found that:

1. 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.
2. 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.
3. In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits.

B. Definitions

1. The term "personal information" means any information maintained by the campus 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.
2. 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.

C. Penalties

1. "The intentional violation of any provision of this chapter or any rules or regulations adopted there under by an contractor of any campus shall constitute a cause for discipline, including termination of employment."
2. Any person who willfully requests or obtains any record containing personal information from a campus under false pretenses shall be guilty of a misdemeanor or fined not more than five thousand dollars (\$5,000), or imprisoned not more than one year, or both.

**INFORMATION ON PAGES 1 & 2 SHOULD BE KEPT BY
THE CONTRACTOR FOR FUTURE REFERENCE.**

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FOR MPP Administrators:

RE: Contractor Name: _____
Representative Name: _____
Department: _____

My signature below certifies that the contractor named above is under my supervision, requires access to personal/sensitive information and data in electronic and/or hard copy because such data is relevant and necessary in the ordinary course of performing his/her job duties at California State University, San Bernardino. I understand my obligation to orient this contractor to ensure that s/he understands the state and federal laws and University policies that govern access to and use of personal/sensitive information.

MPP

Name (please print)

Signature

Date

Title

For: Contractors

I certify that I have received and reviewed pages one and two of this document regarding the state and federal law, and University policy that governs access to and use of personal/sensitive information. I certify that I have completed the necessary Information Security training given to me by my employer.

I understand that I may be granted access to confidential or sensitive information and data in electronic and/or hard copy format based on my job duties and agree to comply with the following terms and conditions:

- I will comply with the state and federal laws and University policies that govern access to and use of information contained in contractor, applicant, and student records, including data that is accessible through the Human Resources Information System, if I am granted access to same.

- **Confidentiality of Data**

All financial, statistical, personal, technical and other data and information relating to CSU's operations which are designated confidential by the CSU and not otherwise subject to disclosure under the California Public Records Act, and made available to the Contractor in order to carry out this Contract, or which become available to the Contractor in carrying out this Contract, shall be protected by the Contractor using the

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same level of care in preventing unauthorized disclosure or use of the confidential information that it takes to protect its own information of a similar nature, but in no event less than reasonable care. The Contractor shall not be required under the provisions of this clause to keep confidential any data or information that is or becomes publicly available, is already rightfully in the Contractor's possession, is independently developed by the Contractor outside the scope of this Contract, or is rightfully obtained from third parties.

- My right to access information and/or data is strictly limited to the specific information and data that is relevant and necessary for me to perform my job-related duties.
- I am prohibited from accessing information or data that is not relevant and necessary for me to perform my job-related duties.
- I will be a responsible user of information and data, whether it relates to my own unit or another unit.
- I will store information and data that is obtained under secure conditions.
- I will maintain the privacy and confidentiality of the information and data that I obtain.
- I will make every reasonable effort to interpret the information and data I obtain in an accurate and professional manner.
- Before sharing information or data with others, electronically or otherwise, I will ensure that the recipient is authorized to receive the information or data and understands his/her responsibilities as a user.
- I will sign off of any computerized system when I am not actively using it.
- I will keep my password(s) to myself, and will not disclose them to others unless my immediate supervisor authorizes such disclosure in writing.
- I will store and secure confidential and sensitive information, data, reports, etc. in a manner that will maintain their confidentiality when I am not actively using them.
- I will dispose of confidential reports in a manner that will preserve their confidentiality when I have finished using them.

I further understand that if I misuse personal/sensitive information or data that I obtain through this contract, I will be subject to possible breach of contract and the contract maybe terminated (subject to administrative processes and/or contractual provisions).

I certify that I have read this Access and Compliance agreement, and understand it, and agree to comply with its terms and conditions.

Name (please print)

Signature

Date

Title

Company Name

Complete pages 3 & 4. Forward the completed Confidentiality Access and Compliance Form (pages 3 & 4) to the Information Security Office, PL-520

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