
PROTECTING CONFIDENTIAL EMPLOYEE INFORMATION

Cal Poly has responsibility to protect sensitive employee data and maintain confidentiality of that data under the Information Practices Act (IPA) and Title 5. The right to privacy is a personal and fundamental right protected by State and Federal statutes and all individuals have a right of privacy in information pertaining to them.

Employees with access to confidential employee and applicant information:

- Must have a legitimate CSU need to have such access
- Must understand the responsibility they have to protect such data
- Must sign the Cal Poly Confidentiality-Security Policy Statement acknowledging that he/she has received a copy of the Confidentiality-Security Policy
http://security.calpoly.edu/what_employees/confidentiality_security_agreements.html
- Shall collect and maintain only personal employee information that is relevant and necessary to accomplish a bona fide purpose required or authorized by the California Constitution or statute or mandated by the federal government
- Must not transmit confidential employee information outside Cal Poly and the CSU unless it is for legitimate CSU purposes, and must inform recipients that the information provided is confidential and is provided for the sole purpose of the specific business need, and that they are responsible for the protection of the information and the destruction of all files after the intended use if satisfied.

What is considered confidential or personal information?

Confidential or personal information includes any information from a non-public source that identifies or describes an individual, including, *but not limited to* his or her (per CSU Technical Letter HR 2005-16 and Information Practices Act):

- Social Security number
- Physical description
- Home address
- Home telephone number
- Ethnicity
- Gender
- Performance evaluations
- Education
- Financial matters
- Medical history
- Employment history
- Statements made by, or attributed to, the individual.
- Student employment records (*under FERPA*)
- Names and qualifications of applicants

How should requests for employee and applicant information from the public be handled?

Requests should be forwarded to Human Resources for staff and administrative MPP employees and to Academic Personnel for faculty and academic MPP employees.

What constitutes disclosure of information?

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.

What are the ramifications for breach of security or wrongful disclosure of information?

The CSU is obligated to disclose any breach of system security to California residents whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. 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 and civil action against the CSU with a right to be awarded reasonable attorney’s fees, if successful. (CSU Technical Letter HR-2005-16)

Where can I obtain more information on this topic?

Cal Poly Information Security Program:

<http://its.calpoly.edu/Policies/isp.pdf>

Cal Poly Confidentiality Security Policy Statement:

http://security.calpoly.edu/what_employees/confidentiality_security_agreements.html

Cal Poly Security Breach Notifications:

http://security.calpoly.edu/what_employees/security_breach_notifications.html

CSU Technical Letter HR2005-16: Requirements for Protecting Confidential Employee Data (includes excerpts from the Information Practices Act and Title 5):

<http://www.calstate.edu/HRAdm/pdf2005/HR2005-16.pdf>

CSU Technical Letter HR2004-22: HIPAA Regulations – Privacy Compliance:

<http://www.calstate.edu/HRAdm/pdf2004/HR2004-22.pdf>

Information Practices Act, California Civil Code Section 1798, et seq.:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=civ&codebody=1798>

Title V of the California Code of Regulations, Sections 42396 through 42396.5:

<http://www.calregs.com/>

Family Educational Rights and Privacy Act (FERPA):

http://www.ess.calpoly.edu/records/stu_info/ferpa.htm

California Public Records Act, Government Code Section 6250, et seq.:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov&codebody=6250>

Cal Poly Information Technology Resources Responsible Use Policy:

<http://its.calpoly.edu/Policies/RUP-INT/>

Government Code Section 8314:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov&codebody=8314>