UCSC AUTHORIZATION FORM
FOR ACCESS TO ELECTRONIC COMMUNICATIONS RECORDS WITHOUT CONSENT

Except as outlined in *UCSC ITS Routine System Monitoring Practices*, http://its.ucsc.edu/policies/monitoring.html, or for routine monitoring of access to institutional collections of patient and student records, UCSC does not monitor, inspect, or disclose electronic communications unless one or more of the following circumstances identified in the UC Electronic Communications Policy (UC ECP)[1] exist:

- Required by and consistent with law
- Compelling or emergency circumstances
- Violation of law or UC Policy
- Time-dependent, critical operational need

If it is necessary to examine electronic communications beyond routine monitoring practices for any of the above reasons, the electronic communications record holder's consent shall be sought. If circumstances prevent prior consent, the procedures outlined below must be followed[2].

ACCESS TO RECORDS WHERE THIS FORM AND ITS PROCEDURES ARE NOT REQUIRED

Requests for information from the FBI or other Federal Agents must be referred to Campus Counsel or the UC Office of the General Counsel.

Other non-emergency written requests for electronic communications records required by and consistent with law, such as, but not limited to, California Information Practices Act and Public Records Act requests, and third-party subpoenas[3], shall be referred to Information Practices (within the Office of Campus Counsel) for action according to standard campus procedures. Search warrants shall be referred directly to the immediate Office of Campus Counsel. This form may or may not be required as determined by these offices or others who are part of standard campus procedures for response.

Requests to secure and preserve electronic communications records as evidence must be authorized by Campus Counsel or the University Police Chief. Risk Services may authorize records to be secured and preserved in the case of lawsuits or reasonably foreseeable lawsuits. This form is not required to secure and preserve records but may be required before such records are accessed, monitored, inspected or disclosed.

ACCESS WITHOUT CONSENT PROCESS AND PROCEDURES FOR ALL OTHER CIRCUMSTANCES

When, under the circumstances described above, the contents of electronic communications records must be examined or disclosed without the record holder's consent, the UC ECP requires the responsible Vice Chancellor's authorization in advance and in writing. In all cases, access shall be limited to the least perusal of contents and the least action necessary to resolve the matter.

In ***emergency circumstances*** records may be sought upon verbal authorization from any Vice Chancellor listed in step 2, below, Campus Counsel, the University Police Chief (for law enforcement-related purposes), or the Chancellor. Where feasible, the Academic Senate Chair or Vice Chair shall be consulted before verbal authorization for access to records of Academic Senate members is granted. Emergency actions must be appropriately post-authorized in writing and affected individuals notified according to the procedures below.

1. Requester completes REQUESTER portion of the *UCSC Authorization Form for Access to Electronic Communications Records Without Consent* (the FORM) and sends it to the IT policy office (itpolicy@ucsc.edu).

2. The IT policy office coordinates completion of the FORM and authorizations.
   - All requests require authorization/non-authorization recommendation from Campus Counsel.
   - Final authorization is by the appropriate Vice Chancellor (VC), as indicated below:[4,5]
     - Campus Provost/Executive Vice Chancellor (CP/EVC): Requests for electronic communications of academic employees. The CP/EVC shall consult with the Chair and/or Vice Chair of the Academic Senate for requests involving members of the Academic Senate

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[1] UC ECP: http://policy.ucop.edu/doc/7000470/ElectronicCommunications

[2] On March 18, 2004 The Regents Committee on Audit approved changes to the Internal Audit Management Charter authorizing Internal Audit to have access to University information except where prohibited by law: http://regents.universityofcalifornia.edu/regmeet/mar04.html. This form is not required under these circumstances.

[3] Note: Subpoenas in connection to lawsuits in which the UC Regents are a party should be served to General Counsel's office at UC Office of the President, Oakland, CA.

[4] This authority may also be exercised by the Chancellor or the CP/EVC without regard to the status of the affected record holder.

[5] The authority for authorizing access without consent may not be further re-delegated. The designated VC is, however, responsible for recusing him/herself in the event of personal or conflicting interests regarding Access Without Consent requests. See footnote #4 for authority in the event of such conflicts of interest.

- Vice Provost and Dean of Graduate Studies: Requests for graduate student[6] electronic communications
- Vice Provost and Dean of Undergraduate Education: Requests for undergraduate student[6] electronic communications
- VC, Business and Administrative Services: Requests for staff electronic communications
- VC, Business and Administrative Services: Requests for all other electronic communications

3. The IT policy office communicates authorization/non-authorization of the request to the Requester and within ITS for implementation, and ensures proper distribution of the completed FORM (see bottom of pg 3).

4. *Notification*: The IT policy office shall, at the earliest opportunity that is lawful and consistent with other University policy, notify the affected individual(s) in writing of the action(s) taken and the reasons for the action(s) taken. Consultation with Campus Counsel is required to withhold notification.

5. *Reporting*: The VC IT coordinates publication of an annual report summarizing, where consistent with law, instances of non-consensual access pursuant to the provisions of the UC ECP.

[6] Not in a capacity as a staff employee

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REQUESTER

1. RECORDS REQUESTED BY

   Name _____ Date _____

   Title _____ Department _____

   Contact Information: _____

2. TYPE OF REQUEST
   - ☐ Prior authorization
   - ☐ Post-authorization: emergency circumstances required immediate access

3. NAME AND CRUZID (if known) OF THE RECORD HOLDER _____

4. RECORD DATE(S) _____

5. SPECIFIC RECORDS TO BE ACCESSED _____

   _____
   (attach additional description, if necessary)

6. PROVISION(S) OF THE UC ELECTRONIC COMMUNICATIONS POLICY UNDER WHICH RECORDS NEED TO BE ACCESSED (check all that apply):
   - ☐ Required by and consistent with law
   - ☐ Compelling circumstances
   - ☐ Emergency circumstances
   - ☐ Violation of law or UC Policy
   - ☐ Time-dependent, critical operational need

7. CONSENT CANNOT BE OBTAINED BECAUSE (check all that apply):
   - ☐ The holder has denied a request to access the specified University records
   - ☐ The holder cannot be contacted, for example due to absence, illness, or unavailability
   - ☐ Compelling circumstances preclude requesting the holder's consent
   - ☐ Individual no longer affiliated with the University
   - ☐ Post-authorization: the records have already been accessed due to emergency circumstances

8. EXPLANATION OF CIRCUMSTANCES SUPPORTING THIS REQUEST (attach additional pages if necessary – for post-authorization, include authority under which records were released or disclosed)

AUTHORIZATIONS

☐ CONSENT WAS OBTAINED BY THE RECORD HOLDER (for post-authorization after access in emergency circumstances – attach documentation of consent; further authorization not required)

Campus Counsel

Is access without consent recommended? ☐ YES ☐ NO

Campus Counsel Name/Title _____

Signature _____ Date _____

Chancellor, CP/EVC, or Appropriate Vice Chancellor (see PROCESS, #2, pp. 1-2)

Is access without consent authorized? ☐ YES ☐ NO

Authorizer's Name/Title _____

Signature _____ Date _____

Distribution by IT policy office: Copy to/retained by requester; Original retained by VC IT as office of record.