
I. INTRODUCTION

The Privacy and Access Policy shall be viewed as an intersection of two valid but divergent concerns. On the one hand, privacy is highly valued in a democratic society, perhaps uniquely in an institution of higher education where inquiry, freedom of thought, and mutual trust are integral to the learning process. On the other hand, the right of access is critical to the achievement of the institutional goals, particularly where resources and information are often shared.

Individual privacy and institutional needs cannot be balanced by any simple formula. Specific issues dealing with privacy may best be viewed as falling along a continuum. At one end of the continuum are highly protected spheres of privacy regarding space, information, and activity. At the opposite end are broadly accessible space, information and activity.

Placing all specific privacy and access concerns at fixed points along the continuum is challenging. Both within and beyond the guidelines offered below, it is expected that individuals shall act in a thoughtful and professional manner that consistently improves both trust and cooperation among the members of the College community.

II. GUIDELINES

A. THE PRIVACY/ACCESS CONTINUUM:

The privacy/access continuum is divided into the following sectors.

Maximum Privacy

Maximum privacy is to be afforded those items, space, and information known by the public to be both personal and private (purses, wallets, book bags) or that are specifically labeled or otherwise identified as private (files marked confidential, other secured materials or areas). Privacy signals should be clear to both those inside and outside the area. Only overriding public interests of health, safety, and law enforcement can set aside these privacy rights.

Limited Privacy

Privacy expectations observed in the ordinary conduct of business may be set aside under certain circumstances in the interest of achieving the College mission. Such circumstances (retrieving communal equipment or materials inadvertently or inappropriately left in a private office or obtaining student records from an office) shall be accompanied by appropriate and prompt notification.

Limited Access

Where specific employees in a work area may have open access to facilities and materials, other staff members, students, or the public may be excluded from that area to promote efficiency. The general work areas and file cabinets of department offices and various campus services are generally governed by limited access.

Maximum Access

Maximum access is to be afforded public buildings, grounds, and documents. Limits may be set by familiar guidelines, including hours of operation, possession of proper identification such as a library or employee card, or an approved permit to use facilities.

B. ORIENTATION

It is the responsibility of supervisors, department chairs, and other persons with authority either to post instructions or distribute written instructions regarding the local application of privacy and access in their area. The District will maintain procedures, guidelines, or contract language for privacy/access rights in the larger domains of mail, telephone use, personnel files, and other categories.

C. PERMISSION

An individual possessing privacy rights may give permission for others to access the resources or space unless barred by considerations of confidentiality and safety.

D. CONSULTATION

When in doubt regarding the application of this policy, individuals should consult their supervisory, department chair, the campus police, or the personnel department for guidance.

E. POLICY LIMITATIONS

Staff and faculty are advised that specific documents - both electronic and written - may be adjudged under state law to be "college business" if the documents do, in fact, relate to the operations of the institution. This may be the case even if they are stored on privately-owned equipment. As such, these documents may fall under the California Public Records Act [California Government Code Section 6252(d)]; in certain circumstances access and disclosure may be required.

In all cases where state law, court orders, emergencies, or overriding institutional needs (as defined elsewhere in this document) come into play, the College will pursue a policy of limiting the access as far as practical and holding all perusal to the minimum required to accomplish the purpose.

F. GRIEVANCE AND COMPLAINT

Individuals who believe their rights of privacy have been breached or their rights of access limited improperly are urged to contact the appropriate recipient of grievances and complaints as set forth in Policy 4.14 - *Guide To Complaint and Grievance Processes*.

- III. Nothing in this policy should be construed as limiting the public's right of access to public records under Government Code, Section 6250, nor student rights under Education Code 7600 or Title 5, Section 72621; nor should anything in this policy be construed as prohibiting access to those meetings that are required to be open to the public under the Brown Act.