

**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/security/policies/monitoring.php>, 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)<sup>1</sup> exist:

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

If it is necessary to examine electronic communications beyond routine system 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<sup>2</sup>. *Note: These procedures are not required to secure and preserve records, but they may be required before such records may be monitored, inspected or disclosed.*

**PROCEDURES FOR ACCESS TO RECORDS WHERE REQUIRED BY AND CONSISTENT WITH LAW**

Requests for information from the FBI or other Federal Agents must be referred to Campus Counsel or the UC Office of the General Counsel<sup>3</sup>.

Other non-emergency written requests for electronic communications records required by and consistent with law, such as, but not limited to, California Information Practices and Public Records Act requests, search warrants, and subpoenas, shall be forwarded to the Information Practices Specialist in the Office of the Campus Provost for action. Requests relating to lawsuits shall be forwarded to the Office of Campus Counsel or the Property and Casualty Coordinator in the Office of Risk Services, as appropriate. Requested records will be released (or not) in accordance with the law and University policy, and in consultation with Campus Counsel, as appropriate. Completion of the attached form is not required. If circumstances prevent prior consent, or consent is not granted, the Access Without Consent procedures outlined below must be followed.

**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 oral authorization from any Vice Chancellor listed in step 2, below, Campus Counsel, the Campus 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 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. Requestor completes REQUESTOR 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 approvals.
  - All requests require approval/non-approval recommendation from Campus Counsel.
  - Final approval is by the appropriate Vice Chancellor (VC), as indicated below:<sup>4,5</sup>
    - 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
    - VC, Student Affairs: Requests for student<sup>6</sup> electronic communications
    - VC, Business and Administrative Services: Requests for staff electronic communications
    - VC, Business and Administrative Services: Requests for all other electronic communications

<sup>1</sup> <http://www.ucop.edu/ucophome/policies/ec/>

<sup>2</sup> 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://www.universityofcalifornia.edu/regents/regmeet/mar04.html>. This form is not required under these circumstances.

<sup>3</sup> Specific instructions from the UC Office of the President are available at [http://www.ucop.edu/irc/policy/fbi\\_it\\_inst.pdf](http://www.ucop.edu/irc/policy/fbi_it_inst.pdf)

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

<sup>5</sup> 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.

<sup>6</sup> Not in a capacity as a staff employee

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3. The IT Policy Office communicates approval/non-approval of the request to the Requestor 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.

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**REQUESTOR**

1. RECORDS REQUESTED BY

Name \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Department \_\_\_\_\_

2. TYPE OF REQUEST

- Prior authorization  
 Post-authorization: emergency circumstances required immediate access

3. NAME 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       Violation of law or UC Policy  
 Compelling circumstances                       Time-dependent, critical operational need  
 Emergency circumstances

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)

**APPROVALS**

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

**Campus Counsel**

Is access without consent approved?  YES       NO

Campus Counsel Name/Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Chancellor, CP/EVC, or Appropriate Vice Chancellor** (see Process, #2, pg. 1)

Is access without consent approved?  YES       NO

Approver's Name/Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*Distribution by IT Policy Office: Copy to/retained by requestor; Original retained by VC IT as office of record.*