

POLICY & PROCEDURES LETTER		
Title: Privacy of Information		PPL#: 07-0001
Policy Owner: Human Resources Division	Issue Date: October 1, 2006	Section #: 3225
Date of Last Review/Revision: New		PPL Review Date: October 2008

Director's Directive

As directed by the Director, this Policy and Procedures Letter (PPL) takes effect immediately.

POLICY STATEMENT:

This privacy policy governs all California Conservation Corps (CCC) employees, in the performance of their duties, who may have occasion to receive, use, maintain, and/or transmit personal information about other employees and/or members of the public. The guidelines set forth in this policy are designed to ensure that such personal information is received, used, and maintained in accordance with applicable laws and to ensure that the privacy rights of individuals who are the subject of such information are adequately protected.

Lucia Becerra, Chief Deputy Director

3225 PRIVACY OF INFORMATION POLICY

Policy Owner:	Human Resources Division
Origination Date of 1st Policy:	October 1, 2006
Date of Last Review:	N/A
Frequency of Review:	Bi-annual
Next Scheduled Review Date:	October 1, 2008
Authority:	Information Practices Act
Key Words:	Confidentiality, privacy
Replaces Policy:	Clerk Payroll and Personnel Procedures Manual

3225.1 POLICY STATEMENT(S):

This privacy policy governs all California Conservation Corps (CCC) employees, in the performance of their duties, who may have occasion to receive, use, maintain, and/or transmit personal information about other employees and/or members of the public. The guidelines set forth in this policy are designed to ensure that such personal information is received, used, and maintained in accordance with applicable laws and to ensure that the privacy rights of individuals who are the subject of such information are adequately protected.

3225.2 PROCEDURES:

Section 1798.53 of the Information Practices Act provides that any person, other than an employee of the state acting solely in his or her official capacity, who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal information maintained by a state agency shall be subject to a civil action, for invasion of privacy, by the individual to whom the information pertains.

Section 1798.56 of the Information Practices Act provides that any person who willfully requests or obtains any records containing personal information from a State agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5000 or imprisoned for not more than one year, or both.

This policy applies to all personal data received, used and/or maintained by CCC, regardless of its source. This includes, but is not necessarily limited to: job applications and other personnel records, and information obtained from individuals via websites, email, or applications that request personal data.

The following principles shall apply to the collection, use, maintenance, and dissemination of personal data:

- (a) "Personal Data" is defined as information protected under the Information Practices Act of 1977 (Civil Code section 1798 et seq.). Personal data is information that identifies or describes an individual, and may include, but is not necessarily limited to: name, social security number, physical description, home address, home telephone number, marital status and dependent information, education financial matters, and medical or employment history.
- (b) Employees responsible for the collection, use, maintenance, and dissemination of personal data shall comply with the provisions of the Information Practices Act (cited above).
- (c) Personal data may only be obtained through lawful means.
- (d) The type of personal data requested must be relevant to the purpose(s) for which it is being collected. Employees shall not require individuals to disclose personal data that is not necessary and relevant to the lawful state function for which the information is requested.
- (e) The purposes for which personal data is collected shall be specified at or prior to the time of collection, and any subsequent use of the data shall be limited to and consistent with the fulfillment of those purposes previously specified.
- (f) Personal data may not be disclosed, made available, or otherwise used for a purpose other than as specified, except with the consent of the subject of the data, or as permitted by law or regulation.
- (g) Personal data must be protected against loss, unauthorized access, use, modification, or disclosure by the following general means:
 - (i) Employees responsible for collection, use, maintenance, and/or dissemination records containing personal data must take all necessary precautions to assure that proper administrative, technical, and physical safeguards are established and followed. This must be done to protect the confidentiality of records containing personal information and to assure that such records are not disclosed to unauthorized individuals or entities. Such safeguards must include implementation of procedures to assure that any document or information released by the CCC to another's custody (whether pursuant to a public records request, subpoena, or otherwise) is reviewed and, if required by law, that

personal information is removed/redacted prior to release.

- (ii) The Personnel Officer will be responsible for adherence to this privacy policy. He/she must be familiar with the provisions of this policy, and have a general working knowledge of laws relating to personal data, including the Information Practices Act, Government Code section 11015.5, and the Public Records Act (Government Code section 6250 et seq.).
 - (iii) Any CCC employee with questions regarding collection, use, maintenance, and/or dissemination of personal data may contact the Personnel Officer. If the Personnel Officer is unable to respond and/or still has questions, he/she will contact the CCC Legal Office.
 - (iv) CCC employees may not purposefully disclose personal data to unauthorized persons or entities, and may not seek out or use personal data relating to others for their own interest or advantage. Improper disclosure or use of personal data in violation of this policy may be cause for disciplinary action.
- (h) Employees must make every reasonable effort to see that inquiries and requests by individuals for their personal records are responded to quickly and without requiring the individual to repeat unnecessarily his or her inquiry to others. Employees should assist individuals who seek information pertaining to them in making their inquiry sufficiently specific and descriptive so as to facilitate locating the records requested. Further, employees must respond to inquiries from individuals and requests from them to review, obtain copies of, and amend, correct, or dispute their personal records, in a courteous and business-like manner, and in accordance with Sections 1798-30 through 1798.44 of the Civil Code (or successor code sections).

The Personnel Officer shall be responsible for the overall implementation of and adherence to this privacy policy.

Copies of this policy shall be distributed to all CCC employees and to contractors who, in the performance of their duties under contract with CCC, have access to personal data collected by or on behalf of the state.

3225.3 DOCUMENTS/ATTACHMENTS/EXHIBITS:**Documents Reference to in this Policy:**

- Confidentiality Guidelines for Faxing Documents
- Access to Employee Files
- Personal/Confidential Information Disclosure Log (STD 695-CCC)
- Disclosure of Information about State Employees
- Requests for Confidential Information

Desk References, Manuals, Handbooks Related to this Policy & Procedures Document:

- Information Practices Act
- Clerk Payroll & Procedures Manual