

## [CONFIDENTIALITY](#)

It is the legal and ethical responsibility of all faculty and staff, student employees, volunteers, and contractors to use personal and confidential employee, student, patient, and University business information (referred to here collectively as "confidential information") in accordance with the law and University policy, and to preserve and protect the privacy rights of the subject of the information as they perform their University duties. Medical information including Protected Health Information (PHI), as defined in the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), is maintained to serve the patient, health care providers, and health care research and must conform to regulatory requirements.

Laws controlling the privacy of, access to, and maintenance of confidential information include, but are not limited to, HIPAA, the California Information Practices Act (IPA), the California Confidentiality of Medical Information Act (COMIA), and the Lanterman-Petris-Short Act (LPS), and the Family Educational Right to Privacy Act (FERPA). These and other laws apply whether the information is held in electronic or any other form, and whether the information is used or disclosed orally or in writing.

Confidential information includes information that identifies or describes an individual and the disclosure of which would constitute an unwarranted invasion of personal privacy. Examples of confidential employee and University business information include home address and telephone number; medical information; birth date; citizenship; social security number; spouse/partner/relative's names; income tax withholding data; performance evaluations; proprietary/trade secret information; and academic peer review information.

The term "medical information" includes the following: patient information whether stored externally or on campus and whether electronically stored or transmitted: medical and psychiatric records, including paper printouts, photos, videotapes, diagnostic and therapeutic reports, x-rays, scans, laboratory and pathology samples; patient business records, such as bills for service or insurance information; visual observation of patients receiving medical care or accessing services; verbal information provided by or about a patient.

The California Public Records Act (PRA) permits the public to request access to or copies of University records. A careful reading of the requests sometimes reveals that third-party personnel records or other confidential records are being requested. These records are not provided.

The University is committed to ensuring and maintaining the privacy of its students, employees, and its patients. It is imperative that the University community understand and observe all of the laws and policies pertaining to confidentiality.

Questions about the confidentiality of information can be directed to the appropriate campus counsel's office.

## [CONFIDENTIALITY LINKS - WITH HTML TAGS](#)

- <li>California Confidentiality of Medical Information Act (COMIA) (<a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=00001-01000&file=56-56.07">CA Civil Code 56-56.07</a>)
- <li>California Confidentiality of Social Security Numbers ( <a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1798.85-1798.89">CA Civil Code 1798.85 </a>)
- <li>California Information Practices Act (IPA) ( <a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1798.24-1798.24b">CA Civil Code 1798.24 </a>)
- <li>California Lanterman-Petris-Short Act ( <a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=04001-05000&file=5000-5120">CA Welfare and Institutions Code 5000-5120 </a>)
- <li>California Public Records Act (PRA) ( <a href="http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270">CA Gov. Code Section 6250 </a>)
- <li>Federal Education Rights and Privacy Act (FERPA) ( <a href="http://www.access.gpo.gov/nara/cfr/waisidx\_03/34cfr99\_03.html">34 CFR Part 99 </a>)
- <li>Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) ( <a href="http://www.hhs.gov/ocr/AdminSimpRegText.pdf">45 CFR Parts 160, 162, 164 </a>)
- <li>UC Academic Personnel Records ( <a href="http://www.ucop.edu/acadadv/acadpers/apm/apm-160.pdf">Academic Personnel Manual Section 160 </a>)
- <li>UC Disclosure of Information from Student Records ( <a href="http://ucop.edu/ucophome/coordrev/ucpolicies/aos/toc130.html">UC Policy 130.00) </a>)
- <li>UC Electronic Communications ( <a href="http://www.ucop.edu/ucophome/policies/ec">UC Electronic Communications Policy </a>)
- <li>UC Electronic Information Security ( <a href="http://its.ucsf.edu/about/policy/ucop\_is3.jsp">Business & Finance Bulletin IS-3 </a>)
- <li>UC HIPAA Security Compliance ( <a href="http://www.universityofcalifornia.edu/hipaa/welcome.html">UC HIPAA Security Compliance </a>)
- <li>UC Legal Requirements on Privacy of and Access to Information ( <a href="http://www.ucop.edu/ucophome/policies/bfb/rmp8toc.html">Business & Finance Bulletin RMP-8 </a>)
- <li>UC Policies Applying to the Disclosure of Information from Student Records ( <a href="http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc130.html">Policy 130.00 </a>)