University of California  
Electronic Communications Policy  
http://www.ucop.edu/ucophome/policies/ec/  
December 14, 2004

Background  
The Electronic Communications Policy (ECP), issued by President Atkinson November 17, 2000 superseded the 1998 University Electronic Mail Policy and Business and Finance Bulletin IS-6, Campus Communications Guidelines. The ECP clarified the applicability of law and University policy to all forms of electronic communications; it incorporated the principles of academic freedom, shared governance, freedom of speech, and privacy that were articulated in the 1998 University Email Policy.

Current Update  
The nonconsensual access provisions of the ECP dictate exacting procedure for any inspection, monitoring, or disclosure of an individual's communications. In the four years since the policy was announced, questions have been raised regarding the applicability of these procedures when access is needed to electronic communications of absent or separated staff, and questions regarding campus network management practices that protect communications systems against malicious network-based threats, such as viruses, worms, and Trojan horses. The current update reconciles those challenges by adjusting some Policy language, providing more information in the User Advisories, and offering specific guidance in the Implementation Guidelines. This update also incorporates references to revised University policy, such as the Whistleblower Policy and revised Records Management Program guidelines.

The proposed updated version has undergone review by campus ECP coordinators, campus and UCOP IT and policy personnel, IT auditors, records managers, campus and medical center CIO’s, and additional constituencies who join in campus policy discussions.

Updates to the ECP include the following changes:
- adds procedures regarding search warrants and subpoenas
- aligns unavoidable inspection provision with current network security practices
- adds procedures for reporting violations of law or suspicion of improper governmental activity
- references IS-3 encryption guidelines (prohibition of encryption for storage is deleted)
- references RMP-2, Records Retention and Disposition, regarding preservation of electronic communications
- advises users to read privacy statements of any online application that collects personally identifiable information
- offers an encryption advisory
- includes updated definitions of public records and University administrative records
- requires the identification of alternative Vice Chancellor in event of conflict of interest for nonconsensual access
- clarifies the role of campus counsel in requests of nonconsensual access
- provides specific recommendations for access to staff email in the event of absence, separation, or death

Plan  
Upon completion of discussions with expanded University constituencies, the revised Policy will be submitted to Senior Vice President Mullinix for presentation to President Dynes for release.

Excerpts showing proposed revisions is available at:  

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