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8 **POLICY**
9 **RECOMMENDATION**
10 **Principles Regarding Privacy of Electronic Information**
11 **Rescinds and Replaces F97-7 Policy on Privacy of Electronic**
12 **Information**
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15 Resolved: That F97-7 be rescinded.

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17 Resolved: That the following be adopted as policy effective immediately.

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19 *Rationale: This policy recommendation marks the culmination of several years of*
20 *efforts to replace F97-7, which has been perceived as increasingly obsolete. Much has*
21 *changed since 1997 regarding both information and privacy.*

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23 *After extensive consultation beginning with the Qayoumi and Martin administrations and*
24 *culminating with the Papazian administration, a replacement policy for F97-7 was drafted*
25 *by Professional Standards and passed by the Senate on April 10, 2017, with no dissent.*
26 *This policy recommendation was sent forward to the President as S17-8. It was returned*
27 *(vetoed) with an explanatory message from the President on April 20, 2018, thus closing*
28 *out action on S17-8.*

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30 *The attached document accepts the President's instructions so as to provide a policy*
31 *recommendation that is acceptable for signing. Differences between the President and*
32 *the Senate on this issue, and various supporting documents, are addressed with*
33 *separately in a Sense of the Senate Resolution.*

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35 *Approved: (September 10, 2018)*

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37 *Vote: (7-0-0)*

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39 *Present: (Chin, He, McKee, Cargill, Peter, Hart, Rodriquez)*

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41 *Absent: (Monday, Kumar)*

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43 *Financial Impact: No direct impacts*

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45 *Workload Impact: No direct impacts*

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POLICY RECOMMENDATION
Principles Regarding Privacy of Electronic Information

1. Principles

- 1.1. San José State University (SJSU) recognizes that principles of academic freedom and shared governance, freedom of speech, and privacy hold important implications for the use of electronic communications.
- 1.2. SJSU respects the privacy of electronic communications in the same way that it respects the privacy of paper correspondence and telephone conversations, while seeking to ensure that University administrative records are accessible for the conduct of the University's business.
- 1.3. SJSU recognizes the value of privacy as part of academic freedom and the benefits that privacy and autonomy bring to the individual, to groups, and to the culture of SJSU.
- 1.4. SJSU respects the privacy of person-to-person communications in all forms including telephone, electronic mail and file transfers, graphics, and videos.
- 1.5. SJSU supports privacy in the use of electronic communications and information storage to the maximum extent possible in accordance with CSU policy, state and federal laws, and consistent with computer system maintenance demands.

2. Implementation

The principles of this policy will be implemented by Presidential Directive.

3. Privacy Advisory

Various laws and available security technologies affect the degree of privacy that users can expect. No electronic system is entirely secure from unauthorized intrusions. Users should be warned that legal requirements may require disclosure, including but not limited to, disclosure under the Public Records Act, discovery in civil litigation, and legal searches performed in cooperation with state and federal law enforcement authorities.