

# PRIVACY POLICY

## IMPLEMENTING GOVERNMENT CODE § 11019.9

(April 9, 2001)

Pursuant to newly enacted Government Code § 11019.9, all departments and agencies of the State of California, including the California Coastal Commission, are required to enact and maintain a permanent privacy policy implementing the provisions of the Information Practices Act of 1977 (Civil Code § 1798, *et seq.*) The legislative findings and declarations set forth in the Information Practices Act state that the right to privacy is a personal and fundamental right protected by the state and federal constitutions. These findings further state that the right to privacy is being threatened by the indiscriminate collection and maintenance of information, and that the increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy. Finally, the findings declare that, in order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits. (Civil Code § 1798.1.)

In compliance with the provisions of Government Code § 11019.9, the California Coastal Commission hereby enacts the following privacy policy:

### **General Statement:**

All staff of the California Coastal Commission are reminded by this policy of their responsibility to take the utmost care in properly obtaining, using, maintaining and protecting personal information. Questions regarding the applicability of the Information Practices Act to a particular circumstance should be directed to the Coastal Commission official specified below.

### **Responsible Official:**

The Coastal Commission's Human Resources Manager shall be responsible for implementation of the Commission's privacy policy.

### **Definition of Personal Information:**

“Personal information’ means any information that is maintained by an agency that identifies or describes an individual, including but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by or attributed to the individual.” (Civil Code § 1798.3.)

For purposes of the Information Practices Act, records of the California Coastal Commission containing personal information generally consist of personnel and other similar records maintained by the Commission. Based on the definition of records in § 1798.3(g) of that Act, the Commission does not



consider permit applications, comment letters, and other documents submitted for consideration by the Commission in the course of its public business to fall within the Act's provisions. As a result, addresses, phone numbers, and similar information provided by permit applicants, commenters, and others in connection with such matters should not be considered to be protected by the provisions of the Information Practices Act. Additionally, even if determined to be subject to the provisions of that Act, such documents are, as a general matter, public records subject to disclosure pursuant to the Public Records Act.

**Specific Policies:**

1. Employees responsible for, or coming into contact with, personal information collected, maintained, or used by the California Coastal Commission shall comply with the provisions of the Information Practices Act (cited above).
2. Personal information shall be obtained only through lawful means. Personal information shall be requested only when it is relevant to the purpose for which it is collected.
3. Persons providing personal information shall be notified of the purpose for which that information is being collected. Personal information shall not be disclosed, made available, or otherwise used for purposes other than those specified, except with the consent of the subject, or as authorized by law or regulation.
4. No disclosure of personal information shall be made within the Coastal Commission except to individuals who have a lawful reason to have such information, and where the purpose for which the information is to be used is consistent with the purpose for which the data was collected. Employees shall not seek to obtain personal information for their own use or disclose such data except in accordance with the policies set forth herein and in the Information Practices Act.
5. No disclosure of personal information shall be made to any person outside the Coastal Commission unless such disclosure is authorized or mandated by state law. Prior to any such disclosure, the Commission employee receiving the request for the information shall consult with the agency's privacy officer, and with a staff attorney in the Coastal Commission's legal division.
6. Employees responsible for the collection, use or maintenance of personal information shall assure that such information is kept and handled in a manner assuring that personal information is adequately protected from improper dissemination. Such individuals shall assure that personal information is removed or redacted in appropriate circumstances where it is contained in materials otherwise subject to release.

7. Personal information shall be disclosed only to the person to whom it pertains, or with the written consent of the individual to whom it pertains, except as permitted or authorized pursuant to the Public Records Act or the Information Practices Act. Where consent is required, it shall be obtained in a manner consistent with the requirements of the Information Practices Act.
8. Requests by employees for access to their own personal records shall be referred to the Commission's Human Resources Manager. Requests for review, copies or amendment of such records shall be handled consistent with the provisions of § 1798.30 through § 1798.44 of the Civil Code.

**Protection of Personal Data:**

Personal data held by the Coastal Commission is generally a part of personnel files. Personnel files are maintained in cabinets located in offices locked with a combination known only to limited employees of the Commission's personnel department and the Commission's Business Manager. Those offices are locked when not staffed by authorized personnel employees. Computerized personnel files and information are accessible only to authorized personnel employees. A password limited to those employees must be used to access them.

**Posting of Policy:**

Employees of the Coastal Commission shall be informed of this policy when it becomes effective. The policy shall be posted on the Commission's web site and in a prominent place in each of its offices.