

## GUIDELINES FOR ACCESS TO AND USE OF SEX AND ETHNIC DATA COLLECTED FROM UC EMPLOYEES

The University of California is a federal contractor and recipient of federal funds subject to affirmative action requirements set forth in Executive Order 11246, as amended. The University's status as a federal contractor obligates it to maintain and analyze certain data with respect to the ethnicity and sex demographic of its workforce. In order to comply with these regulations, the University requests its employees to voluntarily self-identify sex and ethnicity.

For individuals who are asked to supply confidential personal information about themselves, the State of California Information Practices Act of 1977 requires the University to provide information including, but not limited to:

1. The purpose for requesting the information, generally citing various federal requirements.
2. The fact that the information is kept confidential and used for required aggregated workforce data reporting to the federal government and for internal workforce statistical analysis, reporting, and outreach.

Individuals have a fundamental right of privacy. It is the policy of the University to interpret the Information Practices Act liberally to the benefit of the individual. Where discretion is allowed, the protection of privacy should override the option to disclose. UC officers, employees, attorneys, agents, and volunteers may receive personal information if it is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was required. Generally, sex and ethnic data by individual is limited to central office use, and not available to departments.

Employees provide sex and ethnic information in a relationship of trust, with the expectation that it will not be divulged in an identifiable form. A breach of confidentiality occurs when information is released in a way that allows an individual to be identified and reveals confidential information about that person.

The information released may not contain direct identifiers such as name or employee identification number, but may provide information that could be used in combination with other data to identify individuals. If the number of cases, individuals, or events is less than 10, a breach of confidentiality is more likely to occur.

### Additional Sources:

- University of California Privacy Notification Statement (Revised February 22, 2010 for U5605)
- University of California Business and Finance Bulletins, RMP-8 Legal Requirements on Privacy of and Access to Information
- US Department of Labor, Code of Federal Regulations (CFR), Title 41, Chapter 60 -- Office of Federal Contract Compliance Programs, Equal Employment Opportunity
- NCHS Staff Manual on Confidentiality, Department of Health and Human Services