At UAB, Context-based Access Secures Protected Data

The entire body of data that is acquired, used, and managed by UAB faculty, staff, and students is classified into three types: public, sensitive, and restricted (which includes Protected Health Information, or PHI). While information classified as public can be accessed and distributed to any entity, access to and use of sensitive and restricted/PHI information is governed by processes that ensure compliance with relevant federal and state laws, and with UAB policies, standards, and rules. UAB’s Data Access Policy sets forth how University employees are authorized to access and interact with sensitive and restricted/PHI institutional data, and complements various IT security policies and rules (see bullet list on page 4).

Your role determines appropriate access.

To ensure that the use of sensitive and restricted/PHI data is appropriate and complies with these laws and policies, access is authorized based on the principles of least privilege and need-to-know, meaning that a person gains authorized access only to information that is necessary for them to carry out legitimate business purposes and in the context of job requirements. With the vast number of UAB faculty and staff whose work necessitates access to sensitive and/or Restricted/PHI information comes the need for a clear hierarchy of responsibility for its safeguarding.

Who has responsibility?

The processes of requesting, approving, and revoking access to data are governed by Data Stewards, who are designated by data type as categorized in UAB’s Records Retention Schedule (see table on page 4). Data Stewards are officially accountable for specific information assets and grant access in compliance with UAB policy and relevant regulations such as FERPA, HIPAA, and the Gramm-Leach-Bliley Act. A Data Steward may delegate this responsibility to a Trusted Designee if an approved, documented procedure is followed; however, the responsibility for ownership and protection of the data themselves does not transfer to Designees and remains with the Data Steward.

Data Custodians safeguard the data on behalf of Data Stewards and are charged with the responsibility to protect all UAB data, whether maintained in institutional or unit-level information systems.

Continued on page 4
In the Winter 2018 Compliance 411, we presented Part 1 in a four-part series about the UAB Records Management process in which, we covered the UAB Records Retention Policy, Records Retention Schedule, and other related policies and procedures. Part 2 of this series spotlights management of student educational records, which must comply with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended.

The Student Education section of the Records Retention Schedule includes a description of what comprises student educational records, shows the required minimum retention period for such records and the basis for that requirement, and lists the unit responsible for management of these records. At UAB, the Office of the Registrar has that responsibility.

Under the UAB Student Records Policy, all students enrolled or previously enrolled at UAB have certain rights with regard to information included in their education records. These rights include:

1. The right to inspect and review their education records within 45 days of the day the University receives a request from for access the student or authorized representative;
2. The right to request amendment of a student’s education record that the student believes is inaccurate or misleading;

Continued on page 3
UAB TITLE IX RESPONSIBLE EMPLOYEE RESPONSE GUIDE

Who needs to report sexual misconduct, and why?

All UAB employees, including student employees, are required to report sexual misconduct to the Title IX Office at 205-996-1340 or titleix@uab.edu. You may also report via this online form. If you have questions about whether to report, please call the Title IX Coordinator at 205-996-1340. Reporting is required to ensure individuals have access to all available resources, to enhance campus safety, and to comply with Title IX and other Federal regulations.

If someone tells you they’ve experienced sexual misconduct...

1. First, offer them support, listen to them, and encourage them to seek help and counseling as soon as possible.
2. If the individual’s safety is an immediate concern, call 911 or contact the UAB Police Department at 205-975-4434.
3. Report the incident to the Title IX Coordinator in accordance with UAB’s Title IX Sexual Violence and Sexual Misconduct Policy.
4. Allow the Title IX Office to conduct the investigation in accordance with UAB’s Title IX Policy and Procedures.

If you have experienced sexual misconduct...

- You have the right to choose whom you will talk to, what resources you will use, what you will say, and when you will say it.
- If you choose to share your experiences, your disclosure will be taken seriously, and you will be treated with dignity and respect.
- UAB prohibits sexual misconduct, which includes gender-based assault; harassment; exploitation; dating & domestic violence; stalking; and discrimination based on sex, sexual orientation, and gender identity or expression.
- You will be protected from retaliation. UAB’s Duty to Report and Non-retaliation Policy prohibits retaliation against anyone filing a complaint or participating in an investigation.

Student Records

3. The right to consent to disclosure of personally identifiable information (PII) contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent; and
4. The right to file a complaint with the U.S. Department of Education concerning the alleged failure by a state university to comply with the requirements of FERPA.

FERPA and University policy forbid disclosure of a student’s PII unless a student has given the University written consent to do so ahead of the disclosure. The exception is disclosure to school officials with legitimate educational interests. A school official is defined as:

- A person employed by the University in an administrative, supervisory, academic, research, or support staff position (including health staff);
- A person or company with whom the University has contracted (e.g., attorney, auditor, or collection agent);
- A person serving on the Board of Trustees;
- A student serving on an official committee, such as a disciplinary or grievance committee; or
- A student assisting a school official in performing his or her legitimate educational tasks.

A school official has a legitimate educational interest if the official needs to review a student’s record in order to fulfill his or her professional responsibility, if the information is relevant to the accomplishment of a task, or to make an educational determination about the student.

Questions regarding student educational records can be directed to University Registrar Cynthia Terry (cterry@uab.edu or ferpa@uab.edu).

UAB’s Academic Freedom Policy

Policy Affirms Fundamental Purpose of Education

The UAB Faculty Handbook policy on Academic Freedom promotes academic freedom as one of UAB’s core values and the preservation and practice thereof as one of the responsibilities of our faculty as a community of scholars. This allows faculty members flexibility in expression in teaching and research towards the unfettered pursuit and exposition of truth. It is based on the basic principle that education is for the common good and must be grounded in individual freedom from institutional censorship. Adapted from the American Association of University Professors’ 1940 Statement of Principles on Academic Freedom, UAB’s policy defines the responsibilities of educators that accompany academic freedom, including the responsibilities to

- Adequately perform all academic duties;
- Disclose to the University any publication or research for monetary return;
- Adhere to subject matter in teaching; and
- Indicate independence from the institution when speaking or writing as a citizen.

For more information on academic freedom at UAB, or if you have questions, contact your department chair or the Faculty Ombuds Office. For information on the topic of political activity, please refer to UAB’s Faculty Handbook Policy 3.3 – Political Activity.

UAB’s Statement of Principles on Academic Freedom

The UAB’s Statement of Principles on Academic Freedom promotes academic freedom as one of UAB’s core values and the preservation and practice thereof as one of the responsibilities of our faculty as a community of scholars. This allows faculty members flexibility in expression in teaching and research towards the unfettered pursuit and exposition of truth. It is based on the basic principle that education is for the common good and must be grounded in individual freedom from institutional censorship. Adapted from the American Association of University Professors’ 1940 Statement of Principles on Academic Freedom, UAB’s policy defines the responsibilities of educators that accompany academic freedom, including the responsibilities to

- Adequately perform all academic duties;
- Disclose to the University any publication or research for monetary return;
- Adhere to subject matter in teaching; and
- Indicate independence from the institution when speaking or writing as a citizen.

For more information on academic freedom at UAB, or if you have questions, contact your department chair or the Faculty Ombuds Office. For information on the topic of political activity, please refer to UAB’s Faculty Handbook Policy 3.3 – Political Activity.

UAB’s Duty to Report and Non-retaliation Policy

prohibits retaliation against anyone filing a complaint or participating in an investigation.
Data Access . . . Continued from page 1

Data Users comprise the greatest number of those responsible for safeguarding information and are authorized to access sensitive and/or restricted/PHI data based on the nature of their work at UAB. Data Users are responsible for protecting information assets through adherence to UAB policies.

While many members of the UAB community are not necessarily users of sensitive or restricted/PHI data, it is everyone’s responsibility to follow the Data Access Policy and related policies and procedures and to maintain awareness of what constitutes the appropriate use and sharing of information. If you are in doubt as to whether information should be shared, please refer to any of these policies or FAQs:

- Data Access Policy
- Data Protection and Security Policy
- Data Classification Rule
- Data Protection Rule
- HIPAA Core Policies
- Information Security FAQs

If you become aware that data has been accessed or shared in any way not aligned with UAB policies or federal or state laws, contact your immediate supervisor or the Data Steward responsible for that category of information shown in the table to the right.

**Outliers: public requests and litigation**

Requests for records by the public and in situations in which the University is legally compelled to provide access to information are outside of the scope of the Data Access Policy and are handled by University Relations and the University of Alabama System Office of Counsel, respectively. If someone outside the organization requests such information outside of an existing contractual agreement, have them contact UAB Public Relations at mediarelations@uab.edu. Requests for public records can be made by emailing openrecords@uab.edu.

## Designated by data types categorized in UAB’s Records Retention Schedule, Data Stewards govern the requesting, approving, and revoking of access to data.

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Data Steward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Education Records</td>
<td>Provost and VP of Student Affairs</td>
</tr>
<tr>
<td>Administrative Records</td>
<td>Senior VP for Financial Affairs &amp; Administration</td>
</tr>
<tr>
<td>Athletics</td>
<td>Senior VP for Financial Affairs &amp; Administration</td>
</tr>
<tr>
<td>Legal</td>
<td>Office of Counsel</td>
</tr>
<tr>
<td>Financial Data</td>
<td>Senior VP for Financial Affairs &amp; Administration</td>
</tr>
<tr>
<td>Employee Data</td>
<td>Senior VP for Financial Affairs &amp; Administration</td>
</tr>
<tr>
<td>Public Relations Data</td>
<td>Chief Communications Officer</td>
</tr>
<tr>
<td>Sponsored Research</td>
<td>VP for Research</td>
</tr>
</tbody>
</table>
| Patient Records (Electronic Patient Health Information) | Student Health Services: VP of Student Affairs  
|                                         | Academic: Provost  
|                                         | HIPAA Data: Senior-most VP/Director/Manager                                |
| Personally Identifiable Information (PII) | Students: Provost  
|                                         | Faculty & Staff: Senior VP for Financial Affairs & Administration           |
| Departmental Records                    | Administrative: Senior-most VP/Provost                                     |
| Financial Aid Records                   | VP of Student Affairs                                                        |
| Facilities Information                  | Senior VP for Financial Affairs & Administration                           |
| Alumni and Development Data             | VP of Development and Alumni                                                |
| Payment Card Information                | Senior VP for Financial Affairs & Administration                           |
| Police Records                          | Senior VP for Financial Affairs & Administration                           |

---

**University Compliance Office AREAS OF FOCUS**

Access information on these University Compliance Office areas of focus by clicking on a topic below:

- Alabama Ethics Law
- Effort Reporting
- External Activities
- International Travel
- University Policy Review & Development
- Conflicts of Interest/Commitment
- Export Control
- Federal Open Payments Law
- Records Retention

---

4
Advisory Group Renews UAB Export Controls Risk Assessment Process

To protect national security and foreign policy interests, the United States has enacted laws regulating exports. At UAB, Export Control refers to compliance with these federal regulations and University policies that govern how certain items, technologies, and information can be shipped, transmitted, or transferred to entities outside the U.S. or to non-U.S. citizens within the United States. UAB scholarly, research, and operational activities, including international collaborations and work abroad, are affected by these laws and policies and present varied risks both to UAB and to any individual participating in the international transfer of such items.

Export control presents the unique challenge to balance U.S. national security and economic vitality concerns with traditional educational concepts of academic freedom, publication, and dissemination of research results. To meet this challenge, the University Compliance Office established the Export Controls Advisory Group, led by Teresa Bragg, University Compliance Officer and Export Control Empowered Official. The group has a multi-faceted charge:

- To bring together representation from areas across the University who are key to UAB’s Export Control Compliance Program effectiveness;
- To advise on matters related to UAB’s Export Control Program;
- To lead design, implementation, and evaluation of processes in key risk areas to comply with Export Control laws and regulations with support from the University Compliance Office; and
- To serve as a communication channel for anyone affected by Export Control laws, regulations, and policies.

In 2011, the new Advisory Group conducted an initial discussion of current activities to assess assurance regarding UAB’s Export Control compliance program effectiveness. In December 2017, the Advisory Group re-

Continued on page 6
newed the Export Control risk assessment process. This was simultaneously with the risk assessment refresh workshops being conducted with the College and nine Schools. As part of the Export Control risk assessment refresh process, the advisory group is divided into five teams. These five groups represent areas of UAB typically involved in export control activities:

- Global Health and international travel; International Student and Scholar Services, Faculty Affairs, and staff onboarding;
- Research Administration, the Harbert Institute for Innovation & Entrepreneurship, and sponsored awards;
- Policies and procedures; education and training, and communications strategies; and
- Purchasing and procurement.

The results will culminate in a draft work plan that provides assurance that key export control compliance risks are appropriately addressed. Look for the results of the UAB Export Control Advisory Group’s initiative in a future issue of Compliance 411.

For more information on Export Control in general, please visit UAB’s Export Control website.

---

**Code of Conduct Corner**

**Standard of Conduct: Use Confidential Information Responsibly**

UAB faculty and staff create, use, and manage various types of public, sensitive, and restricted/PHI information and are required to comply with UAB policies and procedures, federal and state laws and regulations, and agreements with third parties pertaining to the access, use, protection, and disclosure of such information. Specifically, UAB community members are expected to:

- Learn and follow laws, UAB policies and procedures, and agreements with third parties regarding access, use, protection, disclosure, retention, and disposal of public, sensitive, and restricted/PHI information;
- Respect the privacy of all student, employee, and patient information records;
- Follow document retention and disposal policies;
- Maintain information security using appropriate electronic and physical safeguards; and
- Fulfill any applicable requirements when one’s relationship to UAB is terminated.

Various resources available to inform faculty and staff about what they need to know to be responsible stewards of UAB information assets include:

- Data Access Policy;
- Data Protection and Security Policy;
- Data Classification Rule;
- Data Protection Rule; and
- Acceptable Use of Computer and Network Resources Policy.