

07.12.09 Final Draft Proposed Revised Institutional Data Security Policy 2.35.1.2.3

2.35 General NMSU Information and Communication Technologies Policies

[Supersedes previous policy 2.35 and amends certain former provisions of 3.75 and other ICT Policies Adopted as restructured by Administrative Council on 04.14.09; Pending Annual Ratification]

Excerpt from Policy 2.35

2.35.1.2 SECURITY POLICIES

Excerpt from Subsection 2.35.1.2

2.35.1.2.3 NMSU Institutional Data Security

Excerpt from Subsection 2.35.1.2.3

Purpose

This policy ~~addresses~~provides for the secure management of NMSU institutional data ~~at NMSU~~.

Policy

~~NMSU requires that institutional data be used for work-related activities. Access to, and use of, these data is granted based on an employee's position and duties, and approval for access granted by the appropriate data custodians. Employees cannot transfer their access to other employees, and must be granted approval by the appropriate VP/Dean/Director and the Data Custodian. No personal use of institutional data is permitted unless acquired through appropriate Open Records Act procedures.~~

~~All users of NMSU institutional data shall sign a non-disclosure form and follow all federal laws, state laws and university policies, including FERPA, GLB, and HIPAA. A. Definition of Institutional Data. Institutional data is defined as all information, documents and other data, regardless of physical form or location, that is used, created, received, maintained or held by or on behalf of NMSU in the course of university business.~~

~~B. Authorized Access to Institutional Data. Access to, distribution and/or any other use of institutional data is based on an employee's position and duties. Such access shall be granted and monitored through the employee's supervisor by the appropriate Records Custodian and the appropriate Vice President, Dean or Director. All employees shall comply with applicable federal and state laws, including FERPA, GLBA, and HIPAA, as well as with applicable University policies relating to the secure access, maintenance, distribution, storage or other use of institutional data. (See Also Policy 2.90, University Records)~~

~~1. Transmission of university data to other NMSU affiliates, like 3rd persons or entities affiliated with NMSU, such as third party vendors, must have prior approval by the appropriate VP/Dean/Director and ~~data custodian~~the appropriate Records Custodian.~~

~~2. Employees shall not transfer their authority for access to institutional data to any person.~~

~~3. Employees with access to institutional data shall not access, distribute or otherwise use such information for any purpose other than those required to perform their job duties. (See Policy 2.90.40 for distinct procedures available to request public institutional information in one's personal capacity.)~~

~~C. Non-Disclosure Notification Form. All employees authorized to access NMSU Central computer systems, including but not limited to Banner and COGNOS, shall be given and shall sign a Non-~~

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Disclosure of Sensitive/Confidential Information Employee Notification form. A copy of this form is available at <http://www.nmsu.edu/Administration/nondisc.html>. The lack of a signed Non-Disclosure form shall not relieve the employee of the responsibility to comply with applicable state and federal law and NMSU policies relating to the secure access, maintenance, distribution, storage or other use of institutional data. (See Also Policy 2.90, University Records)

PROPOSED REVISIONS TO 2.35.1.2.3 END HERE

~~New Mexico State New Mexico State~~

~~**NMSU Non-Disclosure Agreement (5/2006) of Sensitive/Confidential Information**~~
~~**Employee Notification**~~

~~(rev 07.09)~~

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~~This Non-Disclosure Agreement notice regarding employee obligations pursuant to the University's policies, including but not limited to Policy 2.35.1.2.3, Institutional Data Security, is intended to define the responsibilities of those employees who have access to NMSU records that contain sensitive or confidential information about students, employees, donors or other individuals, and to record ~~his or her~~ the employee's recognition and acceptance of that responsibility.~~

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New Mexico State University maintains the confidentiality and security of records in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), the Health Insurance Portability and Accountability Act (HIPAA) and the Gramm-Leach-Bliley Act (GLBA), in addition to other federal and state laws. These laws pertain to the security and privacy of personal academic, medical and financial information, along with identifying information such as social security numbers.

FERPA protects student records. FERPA requires post-secondary educational institutions and agencies to conform to fair information practices in their handling of student data. Among the provisions of the act are the requirements that data be used only for intended purposes and that those responsible for student data take reasonable precautions to prevent misuse of it. Examples include Social Security Numbers, grades, date of birth, etc.

HIPAA protects all medical records and other individually identifiable health information used or disclosed in any form, whether electronically, on paper or orally.

GLBA protects private, non-public, information of individuals. Private, non-public information consists of information such as name, Social Security Number, date and location of birth, gender, credit card numbers and driver's license numbers.

NMIPRA provides individuals the right to inspect public records, as defined in that Act and also subject to the non-disclosure requirements of other laws, as recognized by that Act.

Within NMSU, employees are authorized access to University records only to the extent necessary to perform their official university duties, and are responsible for protecting such information against unauthorized access or disclosure.

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Employee: Recognizing this responsibility, I agree to the following (please initial each line):

_____ I will access university records only as required to perform my assigned duties.

_____ I will not access student or employee information that is not necessary to carry out my job. This includes the records of my children, my spouse, significant other, parents, other relatives, friends and acquaintances.

_____ I will store information under secure conditions and make every effort to ensure individuals' privacy.

_____ I will not divulge, copy, release, sell, loan, review, alter or destroy records except as properly authorized by the appropriate university official within the scope of applicable state or federal laws, record retention schedules and internal policies.

~~_____ I will forward all requests for information via an open records request to the university's General Counsel for guidance. _____ Upon receipt of a request for inspection of public records, I will immediately forward the request to the Custodian of Records designated for the type of record requested for action consistent with the New Mexico Inspection of Public Records Act. If I am one of the designated Records Custodians for NMSU, I will immediately forward to the University's General Counsel for guidance. I will not release information covered by these requests until instructed to by university's the University's General Counsel or my supervisor.~~

_____ When I release student information, I will divulge only the information regarded as "directory" or public information, specifically the student's name, address, telephone listing, date and place of birth, major field of study, classification, participation in any officially recognized activities and sports, weight or height of members of athletic teams, dates of attendance, degrees and award received, and most previous recent educational institution attended.

_____ I will **not** release **any** information about a student who has requested a total suppression of information, nor will I release any optional directory information on an employee who has requested to have his/her directory information suppressed.

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_____ I will not release information about students, staff or employees that was requested on the basis of non-public information (for example - names of all international students, names of all students with a GPA of less than 2.0, etc.).

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_____ I have read the above NMSU Non-Disclosure ~~Agreement and agree to comply with its provisions. Requirements~~ and understand that my failure to comply may result in disciplinary action, including termination of employment.

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Employee Name (Print): _____

Employee Signature: _____ Date: _____