

UNIVERSITY OF CALIFORNIA, BERKELEY

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ROBERT J. BIRGENEAU  
Chancellor  
Professor of Physics

OFFICE OF THE CHANCELLOR		
NAME	DATE	INITIAL
FILE		

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September 13, 2007

#Info Systems & Tech  
#Internet  
#DA  
#Telecommunications

ASSOCIATE VICE CHANCELLOR FOR INFORMATION TECHNOLOGY  
& CHIEF INFORMATION OFFICER

**RE: Delegation of Authority: Non-consensual access to electronic communications**

The University Electronic Communications Policy (ECP) establishes requirements for access to electronic communications records and does not permit release or disclosure of those records without consent of the holder, i.e., the individual who is in possession or receipt of those records. Exceptions to access individuals' electronic communications without their consent must follow specific procedural guidelines for authorization as stated in Section III.A, Access without Consent in the ECP Attachment 2. Implementation Guidelines (see attached). The authorization and approval for these exceptions are stated in ECP Attachment 2, Implementation Guidelines, Section I.B. (d) Campus Responsibilities:

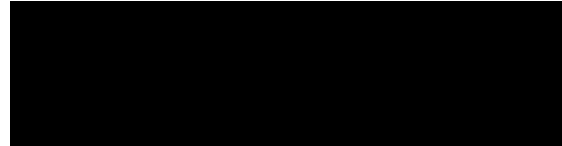
*Each Chancellor shall designate the appropriate Vice Chancellor(s) to authorize action pursuant to Policy Sections III.E Access Restriction, and IV.B, Access Without Consent. The authority for access without consent may not be further redelegated.*

As Chancellor, I delegate the above authority for access without consent to the Berkeley Campus Chief Information Officer. To support the campus Chief Information Officer in this delegated authority, the campus technology "Security, Privacy and Policy" department (OCIO-SPP), including ECP Coordinator Karen Eft, will continue to:

- provide guidance and clarification to the campus community on provisions of the ECP, including Access Restriction, Access Without Consent and all other provisions of that Policy; and
- ensure that requests for Access Without Consent are reviewed by all appropriate parties, including campus Legal Counsel and Academic Senate representatives, as required.

The OCIO: SPP will also update and publicize revised procedures for campus requests to gain access to electronic communications without the consent of the holder.

Yours sincerely,



Robert J. Birgeneau

**Attachments**

cc: Executive Vice Chancellor & Provost G. Breslauer  
Associate Chancellor J. Cummins  
Assistant Chancellor – Legal Affairs M. Smith  
Assistant Chancellor – Beata FitzPatrick  
Chair of the Academic Senate DIVCO W. Drummond  
Assistant VC – Human Resources J. Raymond  
IT Policy Manager & ECP Coordinator K. Eft  
Campus Delegations Coordinator C. Major