Policy on Access of Faculty Electronic Data

While the right to individual privacy is highly valued by the Rice University Community, it must be balanced with legal obligations and the larger needs of the community. As a matter of principle, the University strives to maintain the privacy and confidentiality of electronic data for University faculty, according to the general principles of academic freedom. Nevertheless, members of the University faculty do not have a right to privacy, and should not have an expectation of privacy, with respect to electronic data stored on University-owned computers or transmitted on University-owned networks; the University makes no guarantee of privacy for such data. This policy addresses the occasional need, in certain circumstances as specified below, to access electronic data on a University-owned computer or network without the consent of the faculty member using the computer or network to generate or transmit that data. The basic principle underlying this policy is that accessing data without the consent of the faculty member can occur only for certain specific needs and only after approval has been granted by the Provost. The policy consists of two parts; a process for granting appropriate University entities approval for nonconsensual access to electronic data and a list of causes for authorizing such access.

Process for accessing electronic data

When a University entity determines that there is a need (as specified below) to access electronic data on university-owned machines or networks without the consent of the faculty member using the computer or network to generate or transmit that data, the entity shall initiate an approval process consisting of the following steps:

- The entity solicits approval for access from the Provost.
- The Provost, in consultation with the General Counsel, verifies that the proposed access satisfies one of the causes given below and approves the request in writing.
- With the help of the Division of Information Technology, the University entity accesses relevant electronic data and makes appropriate copies of the data.
- The faculty member is notified of access as soon as practical.
- The investigation restricts, to the extent reasonably possible, the scope of access to data relevant to the cause given for the investigation.
- If the investigation uncovers information regarding violations of law or University policy unrelated to the initial cause for accessing the data without the consent of the faculty member, this additional information will be forwarded to Provost for appropriate disposition.
- The General Counsel will keep track of all instances of non-consensual access to electronic data.

Note: In the case of access due to a mandatory legal process, the relevant law or court order may prohibit notification of the Provost (or any other parties). The General Counsel will determine whether the relevant law or court order takes precedence over this policy.
Causes for data access without consent of the faculty member

The University limits access to electronic data without consent of the faculty member to the following specific reasons:

• To comply with a court order or other mandatory legal requirement,
• To investigate a suspected violation of law or University policy,
• To conduct necessary and appropriate University business,
• To address risks to health, safety, or University property.