Jan Reiff
Chair, Academic Senate

Linda Sarna
Immediate Past Chair, Academic Senate

September 4, 2013

RE: Senate Review of the Proposed Changes to the Privacy Board Charter

Dear Jan and Linda:

I much appreciate the Senate’s review of the proposed charter of the Board on Privacy and Data Protection and thank the many Senate committees for their insights for enhancing its content and clarity. We have spent considerable time reviewing the Senate comments and others that have been received in order to revise the charter document (attached); specific responses to the questions from the April 4 letter are given below.

1. Please include a mission statement for the Privacy Board. This would better allow us to understand if the proposed structure is the best design to achieve the mission.

The Board’s proposed charter now includes the following:

The UCLA Board on Privacy and Data Protection (“the Board”) is the campus nexus for consideration of institutional privacy and data protection needs, when these needs must be balanced with the campus’s many other values and obligations – for example, innovation, openness, accessibility, transparency, operational effectiveness, ethical behavior, and administrative and legal requirements – and account for external trends in technology and individual expectations.

The Board is charged with articulating institutional principles and positions on privacy and data protection that reflect the campus’s values and cultural expectations in order to set strategic direction and guide operational policy development and management decision-making; and serves as the institution’s chief endorsement body on such positions. The Board works with functional offices that have legal or compliance authority in the areas of privacy or data protection.

Privacy is crucial to UCLA’s values of academic and intellectual freedom and to the well-being of the campus community and culture. By establishing the Board, the campus acknowledges the importance of and necessity for a careful, thoughtful, long-term approach to setting privacy and data protection direction that will guide the institution.
2. Please describe the authority of the board. We were unclear if this is it meant to be advisory or regulatory or if it is an enforcement board. Please clarify if this body is charged with developing UCLA policies and procedures in response to public policy mandates.

The Board advises the Executive Vice Chancellor and Provost on matters related to privacy and data protection. It is not charged as an enforcement or regulatory body and it does not develop formal policies or procedures. Rather, the Board assists in defining strategic direction when privacy or data protection issues are involved (often in response to either an internal need or an external mandate such as a new law). The diverse viewpoints and expertise of the Board provide relevant context and guidance necessary for operational policy development and management decision-making, especially when balancing among competing values is required.

3. Please clarify the reporting relationship of the Privacy Board as well as, the relationship to other boards, like ITPB. We thought that a flow chart depicting these relationships would be helpful.

The Board reports to the Executive Vice Chancellor and Provost. Additionally, the Board can be considered to have “dotted line” relationships to (see Figure 1. below):

- **IT Planning Board.** The Privacy and Data Protection Board had its genesis in privacy- and data protection-related discussion at the ITPB in 2004. The Board brings matters needing wider discussion or more formal campus endorsement to the joint Senate-Administration ITPB.

- **Academic Senate.** The Board is an administrative committee but strives through its organizational structure to ensure a strong faculty and Senate voice. Matters requiring formal Senate input, review, or approval would be taken directly to the Senate or, as appropriate, through the joint Senate-Administration ITPB.

- **Oversight Committee on Audit, IT Governance, Compliance, and Accountability.** The Board reports to the Oversight Committee on privacy and data protection matters, as appropriate, when they have institutional risk or compliance implications. The Board’s Chair and/or Vice Chair represent the Board on interactions with the Oversight Committee as appropriate to the topic.

![Figure 1. Authority and Relationships](image-url)
4. Regarding Academic Senate membership on the Board, it is unclear to us if the Vice Chair of the Senate should be designated an ex officio member. Perhaps a better strategy would be for the Chair of the Senate to appoint Senate representatives with the advice and consent of the Executive Board.

The administrative membership of the Board has been transitioned over AY2012-13 to reflect what is stated in the proposed charter. We are now looking to begin the faculty membership transition by moving from eight positions to seven to balance with the administrative membership and by rotating one faculty member in AY2013-14; then rotating three members each in AY2014-15 and 2015-16; after which a standard staggered three-year term rotation would take place.

As faculty members rotate off the Board, we propose that nominations be collected from both the Board and the Senate; nominations from the Board would be reviewed by the Senate. A primary criterion for Board membership is expertise in privacy and/or data protection, regardless of underlying discipline. Final membership decisions would be confirmed by the EVC and Provost, to whom the Board reports.

5. Regarding the faculty chair participant, it would be sufficient to state that this person should be a member of the Academic Senate, and not specifically ladder faculty. We do not want exclude other Senate members such as Professors In Residence, for example, from serving in this capacity.

The attached revision of the proposed charter has been so amended.

I hope this addresses your questions, but please do not hesitate to contact me should there be further questions or comments. Let me again offer my thanks for the Senate’s help in this matter.

Sincerely,

Jim Davis

cc: Burt Swanson, UCLA Board on Privacy and Data Protection Chair
Maryann J. Gray, Assistant Provost, Office of the Executive Vice Chancellor and Provost
Jaime Balboa, Academic Senate CAO
Kent Wada, Chief Privacy Officer

encl: Revised proposed charter for the UCLA Board on Privacy and Data Protection