

Memo to: All UH-Downtown/PS Holders
From: Max Castillo, President
Subject: Privacy Act and Freedom of Information Policy

UH-Downtown/PS 06.A.05
Issue No. 2
Effective Date: 05/02/01
Page 1 of 1

1. PURPOSE

This PS delineates the requirements imposed on institutions participating in government-sponsored activities with regards to compliance with the Privacy Act of 1974, the Freedom of Information Act (Public Law 93-579 codified in 5 Uniform Standard Code 552a), and the State of Texas Open Records Act.

2. DEFINITIONS

2.1 "Recipient" is defined as an institution receiving federal funds.

2.2 "Systems of Records" are defined as any item, collection, or grouping of information about an individual that is maintained, including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as fingerprint, voiceprint, or photograph. Statistical or technical reports are not considered systems of records.

3. POLICY/PROCEDURES

3.1 The Freedom of Information Act requires that recipients of federal funds facilitate public access to the following information pertaining to federal grants and contracts:

3.1.1 Application information after the initial award has been funded;

3.1.2 Notices of grant awards or information included in those notices such as project title, grantee organization, principal investigator or program director, amount of award, and a general description of the project;

3.1.3 Interim and final progress reports;

3.1.4 Financial reports; and

3.1.5 Final reports for any audits, surveys, review, or evaluation of the University's performance that the University had received.

3.2 The Freedom of Information Act allows recipients of federal funds to deny access to the following records or documents:

3.2.1 Pending or disapproved applications for new awards;

3.2.2 Financial information pertaining to a specific individual, such as salary information;

3.2.3 Information subject to the provisions of the Privacy Act of 1974;

3.2.4 Information of a confidential nature (personal, medical, or otherwise) that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;

3.2.5 Opinions expressed in interagency correspondence of government offices, employees or consultants (including advisory bodies); and

3.2.6 Information that, if released, would adversely affect patent or other valuable commercial rights.

3.3 All requests for release of information under the Freedom of Information Act, the Privacy Act of 1974, and/or the State of Texas Public Information Act shall be forwarded to the Office of the General Counsel, in

accordance with University of Houston System Administrative Memorandum 03.H.02.

3.4 The Privacy Act of 1974 specifies that should an awardee be contracted by a federal agency for designing, developing, or operating a system of records pertaining to specific individuals on behalf of the agency, the collection, use, dissemination, and maintenance of these records will be subject to strict controls.

3.5 The awardee shall insure coordination with the federal agency involved when a system of records is being developed to ascertain the degree of protection needed for such record systems and to disclose to the individuals involved their rights under the Privacy Act.

3.6 The Privacy Act provides certain safeguards for individuals as invasions of personal privacy. These safeguards include:

3.6.1 The rights of individuals to determine what information about them is maintained in federal agency files and to know how that information is used; and

3.6.2 The right of individuals to have access to such records and to correct, amend, or request deletion of information in their records that is inaccurate, irrelevant, or outdated.

4. REVIEW AND RESPONSIBILITIES

Responsible Party (Reviewer): Vice President for Administration

Review: Biennial



President

Policy History
Issue #1: 03/31/95