UCLA Presentations

Title
Privacy, Policy, and Data Governance in the University

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Author
Borgman, Christine L.

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Privacy, Policy, and Data Governance in the University

Christine L. Borgman
Distinguished Professor and Presidential Chair in Information Studies
University of California, Los Angeles
http://christineborgman.info
https://knowledgeinfrastructures.gseis.ucla.edu/
@scitechprof

Privacy Implications of Research Data
NISO – RDA Joint Interest Group
September 11, 2016
Open access policies

- Australian Research Council
  - Code for the Responsible Conduct of Research
  - Data management plans
- National Science Foundation
  - Data sharing requirements
  - Data management plans
- U.S. Federal policy
  - Open access to publications
  - Open access to data
- European Union
  - European Open Data Challenge
  - OpenAIRE
- Research Councils of the UK
  - Open access publishing
  - Provisions for access to data
About the UCLA Board on Privacy and Data Protection

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 reports to the Executive Vice Chancellor and Provost and is composed of faculty, administration, and student representatives. General oversight and support occurs through the Office of Information Technology.

Purpose and Charge

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.

UCLA Statement on Privacy

The Privacy Board has developed a statement on privacy for UCLA.

Contacting the Board

Privacy issues or concerns may be raised with the board, or more information about the board may be obtained, by contacting Kent Wada at kent@ucla.edu or (310)-206-3874.
• How should UCLA collect, organize, and use research analytics about our community?

• Who should have access to these data?
  – Within UCLA?
  – In partnership with public and private entities?

• What are the governance principles?

• What are the governance processes?
UCLA Data Governance Task Force*

<table>
<thead>
<tr>
<th>Faculty</th>
<th>Staff</th>
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<tr>
<td>Christine Borgman, Co-Chair, Information Studies</td>
<td>Kent Wada, Co-Chair, Chief Privacy Officer</td>
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<td>Christina Christie, Education, IRB</td>
<td>Amy Blum, Senior Campus Counsel</td>
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<tr>
<td>Vickie Mays, Psychology, Health</td>
<td>Meg Buzzi, Academic Personnel System</td>
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<tr>
<td>Neil Wenger, Medicine, Ethics</td>
<td>Mike Lee, Social Science Computing</td>
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<td>Kristen McKinney, Student Affairs Info System</td>
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<td>*Anna Joyce, Policy Analyst, Staff to the Task Force</td>
<td>Kelly Wahl, Statistical Analysis, Academic Planning &amp; Budget</td>
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Data collected *by* our community

- **Data types**
  - Research data
  - Analytics for teaching and learning
  - Evaluation of individuals, programs, services

- **Policy and management responses**
  - Mandates of funders and journals
  - Research data management services
  - Release and retention practices

- **Laws and policies**
  - Human subjects regulations
  - Open records laws
  - HIPAA, FERPA, PII...
Data collected *about* our community

• Student records
  – Registrar
  – Course management systems
  – ID card based services: library, dorms, food, health...
  – Internet services: email, social media, music, ...

• Faculty records
  – Publications
  – Grants
  – Teaching evaluations
  – Service activities
  – Financial, medical
  – Internet services
Data governance scenarios

• Student records
• Faculty records

http://www.rrcc.edu/sites/default/files/studentRecords_Banner.jpg
Student records

• What does the university collect?
• What can other entities collect?
• Who has access to these records?
• What uses might be made of these records?
• How should use by governed?
On 1-4 June, 2014, a group of educators, scientists, and legal/ethical scholars assembled at the Asilomar Conference Grounds in Pacific Grove, California. Their task was to develop a framework to inform decisions about appropriate use of data and technology in learning research for higher education. A modified Chatham House Rule guided their deliberations, which produced the convention presented here.

This convention reflects general principles rather than the views of individual participants.

The Asilomar Convention for Learning Research in Higher Education

Individuals, nations, and international agencies of all kinds increasingly rely on the promise of education to improve the human condition. Contemporary technology has created unprecedented opportunities to create radical improvements in learning and educational achievement, but also conditions under which information about learners is collected continuously and often invisibly. For these reasons, collection and aggregation of evidence to pursue learning research must proceed in ways that respect the privacy, dignity, and discretion of learners.

Virtually all modern societies have strong traditions for protecting individuals in their interactions with large organizations, especially for purposes of scientific research, yet digital media present problems for the inheritors of those traditions. Norms of individual consent, privacy, and autonomy, for example, must be more vigilantly protected as the environments in which their holders reside are transformed by technology. Because the risks associated with data exposure are growing
Student Privacy Bill of Rights

In a March 2014 Washington Post article, EPIC unveiled the Student Privacy Bill of Rights, an enforceable student privacy and data security framework.

In line with the President's Consumer Privacy Bill of Rights, which is based largely based on the well-established Fair Information Practices (FIPs), schools, districts, and EdTech and other cloud-based service providers should adhere to the following practices when collecting student data. These rights should transfer from parents or legal guardians to students once the student is eighteen or attending college.

1. Access and Amendment: Students have the right to access and amend their erroneous, misleading, or otherwise inappropriate records, regardless of who collects or maintains the information.

   - There are gaps in current laws and proposed frameworks concerning students' access and amendment to their data. Schools, companies, government agencies, and other entities that collect any student information should provide student access to this information. This includes access to any automated decision-making rule-based systems (i.e., personalized learning algorithms) and behavioral information.
Faculty records

• What does the university collect?
• What can other entities collect?
• Who has access to these records?
• What uses might be made of these records?
• How should use be governed?
data—associating stored genes with nonidentifying numbers—to protect privacy. Other guidelines recommend anonymization in contexts such as electronic commerce, internet service provision, data mining, and national security data sharing. Academic researchers rely heavily on anonymization to protect human research subjects, and their research guidelines recommend anonymization generally, and specifically in education, computer network monitoring, and health studies. Professional statisticians are duty-bound to anonymize data as a matter of professional ethics.

Market pressures sometimes compel businesses to anonymize data. For example, companies like mint.com and wesebe.com provide web-based personal finance tracking and planning. One way these companies add value is by aggregating and republishing data to help their customers compare their spending with that of similarly situated people. To make customers comfortable with this type of data sharing, both mint.com and wesebe.com promise to anonymize data before sharing it.

Architecture, defined in Lewis’s sense as technological constraints, often forces anonymization, or at least makes anonymization the default choice. As one example, whenever you visit a website, the distant computer with which you communicate—also known as the web server—records some information for your convenience.


Mapping Scholarship

The UCLA Office of Instructional Development (OID) draws on our wide range of expertise to achieve one goal - to realize our faculty's instructional vision. Whether it is facilitating an innovative teaching method, implementing an emerging instructional methodology and technology, developing an effective assessment tool, or tackling your instructional challenges, our staff is ready to work with you to reach your goals. Contact us at 310-825-9149 and let us know how we can help.

### Acting Co-Directors

**Robert Gibson**  
Acting Co-Director and CAO of OID  
E-mail: Contact person by email  
Phone: 310-825-9149

### Kathleen Komar  
Acting Co-Director of OID, and Professor of Comparative Literature  
E-mail: Contact person by email  
Phone: 310-206-6062

### Directors

**Kumiko Haas**  
Director, Instructional Improvement Programs  
E-mail: Contact person by email  
Phone: 310-206-1440

**Marc Levis-Fitzgerald**  
Director, Survey Research and Curricular Assessment
# Bibliometrics by Source

Searches for author: Christine Borgman, Christine L. Borgman, CL Borgman (excluding other C Borgman authors) on July 28, 2014 and February 25, 2016 for Google Scholar, Web of Science, Scopus

*UCLA cancelled Scopus subscription by 2016*

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<td>14 (after 1995)</td>
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</table>
Frederico S Finan
Theories of Economic Growth and Development
5.0 Overall rating

Michael F Fleming
Nonprofit Sector, State and Civil Society
N/A Overall rating
Nonprofit Sector, State and Civil Society
N/A Overall rating
Nonprofit Sector, State and Civil Society
N/A Overall rating

Dounia Fourneau
Elementary French
5.0 Overall rating

Geoffrey Andrew Fricker
People and the Earth's Ecosystems
5.0 Overall rating
Earth's Physical Environment
5.0 Overall rating
Soil and Water Conservation
N/A Overall rating
Recommendation 1: Scope

• The scope of data to be governed includes:
  – Data the campus *possesses* about any UCLA person; i.e., staff, faculty, students
  – Data that are *identifiable* by name or that can easily be linked to a person
  – Data that the campus *possesses on any person* that was generated during the scope of the person’s business with the University, including data that were sent to someone at the University

• The scope of data to be governed excludes:
  – Research data under the purview of *IRB regulations*
  – Protected Health Information (PHI) governed by *HIPAA*, or individually identifiable health information in campus student healthcare facilities
Recommendation 2: Inventory

• Extend data management work already undertaken by campus to include data that are in the stated scope of data governance.
Recommenda8on 3: Best practices

• Build upon established fair information practices principles for privacy and extend these principles to account for appropriate uses of the data as technology, practice, and policy evolve.
Privacy and Information Security

University of California Privacy and Information Security Committee
http://ucop.edu/privacy-initiative/
Triggers for review

- When data are used to make decisions about people
- When data are collected about people without their knowledge or consent
- When data about people are used in unexpected ways without subjects’ knowledge or consent
  - New applications of data or systems
  - Mining, analysis, and aggregation
- When data are shared with external entities
  - Private sector partners
  - Public sector partners
  - Other universities
Recommendation 4: Existing structures

- Extend existing structures and practices for governing information technology at UCLA to the operational framework for data governance.
Board on Privacy and Data Protection

**Executive Vice Chancellor and Provost***

**Voting members**
- *Faculty Chair – Appointed by EVC + Senate*
- *Administrative Vice Chair – Vice Provost, IT*
- 6 faculty members
- 6 administrative members
- 1 undergraduate student representative
- 1 graduate student representative

**Non-voting members**
- *UCLA Chief Privacy Officer*
- Chief Information Security Officer
- Designee of the EVC and Provost
- Designee from Audit & Advisory Services

* decision-making authority
Executive Vice Chancellor and Provost*

Board on Privacy and Data Protection

Oversight Committee on Audit, IT Governance, Compliance and Accountability*

Academic Senate*

IT Planning Board

* decision-making authority
Board on Privacy and Data Protection

• Training and awareness
• Governance support
• Privacy breach analysis
• Policy development and interpretation
• Data use questions
• UC privacy and information security report recommendations implementation

UCLA Chief Privacy Officer
The Office of the UCLA CPO becomes the triage point for incoming requests.

- **Board on Privacy and Data Protection**
- **UCLA Chief Privacy Officer**
- **Institutional Review Board**

* decision-making authority
Recommendation 5: Activities

- Develop programmatic activities necessary to support effective data governance.
Discussion topics

• Problem: data or uses of data not covered by existing laws or policies (e.g., FERPA, HIPAA, PII)
• How to extend FIPS principles?
  – Notice
  – Consent
• How to scope the data governance problem?
  – By subjects of data collection?
  – By uses of data?
  – By parties collecting data? Using data?
• What are appropriate criteria, values, practices?
• What are workable governance processes?
Acknowledgements

• Kent Wada, UCLA Chief Privacy Officer and Chief Information Security Officer
• James F. Davis, UCLA Associate Vice Provost for Information Technology
• UCLA Privacy and Data Protection Board
• UC Initiative on Privacy and Information Security

Data Governance Task Force Site:
https://ccle.ucla.edu/course/view/datagov