

## **Surviving spouse access to digital records of a deceased faculty or staff member.**

It is recommended that retirees maintain copies of all important personal digital files on their own personal computers, personal email accounts and/or personal data storage devices that can be accessed by designated survivors. Access to personal records in a deceased faculty member's email account, campus computer account, department or office computer, or other university managed digital record is not guaranteed.

An occasion might arise when the surviving spouse of a deceased faculty member might require access to personal records in their university accounts. The University will rarely permit such access and disclosure. The deceased member's department may initiate an access without consent procedure on behalf of the surviving spouse. The surviving spouse will be asked to specify the record sought and the reason for the request, as well as verifying their identity before any records may be provided.

The steps to inquire about access to personal records are as follows:

1. Contact an administrative representative in the deceased persons department about your request.
2. The departmental representative will identify a contact person to consult with further. This contact will ask additional questions. Be prepared to identify the specific records being requested, the date/time frame applicable to the records, and the reason why the request is being made. (See form below: Access Without Consent: Request to Inspect or Disclose Electronic Records.)
3. The request will follow university policy and procedures through multiple campus officials for review before a decision is made on whether access to the record may be granted. If access is granted, verification of your identity will be required before any personal record is released.

Instructions: Use this form to comply with the provisions for access to electronic communications records without the consent of the record holder. See UC Electronic Communications Policy, paragraph IV.B, and UC Davis Policy and Procedure Manual Section 310-24, V.B, for instructions and routing.

Name of record holder \_\_\_\_\_

Records sought from (date) \_\_\_\_\_ to (date) \_\_\_\_\_

What records are sought? \_\_\_\_\_

Check one:  Records have not yet been accessed  Records have already been accessed

Attach an explanation of the circumstances that justify access without consent. The explanation must explicitly address one or more of the four circumstances defined in the UC Electronic Communications Policy, IV.B, and Appendices A, B, and C.

- Required by and consistent with law.
- Violation of law or University policy.
- Compelling circumstances that preclude holder's consent.
- Time-dependent, critical operational circumstances.

If records have already been accessed, the attached explanation must note the emergency circumstances, subpoena, or search warrant that justified access in advance of authorization (must explicitly reference one or more of the circumstances described in UC Electronic Communications Policy, IV.B.1, and IV.B.6, and Appendix A).

Requested by:

Signature \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

Is access without consent recommended? <input type="checkbox"/> Yes <input type="checkbox"/> No
Department head _____ Date _____ or Privacy Officer

Has advice of Counsel been sought? <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature _____ Date _____

The Provost & Executive Vice Chancellor must consult, in writing, with the Chair of the Academic Senate prior to approving access of the records of faculty as defined in APM 110-4(14).
Date consulted _____ By _____

Is access without permission approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature _____ Date _____ Vice Chancellor—Student Affairs (students) or Provost and Executive Vice Chancellor (academic appointees) or Hospital Director (UCDHS) or Vice Chancellor—Finance, Operations, and Administration (staff and other users)