

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Privacy Protection
Protecting Personally Identifiable Information

**Policy
Number**

A-131

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Purpose

To provide guidelines for the ~~storage, disclosure and destruction, in compliance with the California Public Records Act, of personally identifiable information about members of the public and County employees in the possession.~~ For purposes of ~~the County of San Diego.~~ "Personally Identifiable Information" (PII) ~~this policy,~~ personally identifiable information means any information in any format that could reasonably be used to identify a person including, but not limited to, name, address, e-mail address, Social Security number, birth date, or any other combination of information. ("PII") The policy is intended to strike an appropriate balance between the objectives of open government and the protection of the privacy rights of individuals.

Background

The right to privacy is expressly established in the California Constitution, article 1, section 1. However, the privacy of individuals is increasingly at risk due to the ever more widespread collection of ~~personal information~~ PII by both the private and public sector. In addition, the ability to collate, sort, cross-reference, and compare information through computerized means known as "data-mining" facilitates the creation of comprehensive data bases that can reveal much about an individual's private life.

The California Public Records Act (Act) provides that information collected and maintained by a public agency for the conduct of the public's business is a public record and, unless there is an applicable exemption, shall be open for review and disclosure to members of the public upon request. Exemptions to the disclosure requirements are expressly recognized in the Act. One exemption, known as the "personal privacy" exemption, provides that certain types of information may be kept confidential by a public agency where the disclosure would constitute an unwarranted invasion of personal privacy (Gov. Code, § 6254(c)), to be renumbered § 7927.700 effective January 1, 2023). In addition, records may be withheld from public disclosure where the public interest in withholding such records clearly outweighs the public interest in disclosure. (Gov. Code, §§ 6254(a) and 6255, to be renumbered § 7922.000 and § 7927.500, respectively, effective January 1, 2023.)

These exemptions clearly indicate that ~~not all information in the possession of a public agency must be disclosed under the Act, the public. This County may disclose – but is particularly true of certain types of private/personal information. However, the provisions of the Act that exempt certain documents from disclosure are merely permissive. This means that the Act permits the public agency to refuse to disclose certain types of information. The Act does not mandate the public agency to refuse not required to disclose records that are exempt from disclosure under the Act. – PII to the public.~~

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~~Without a County policy, the decision of whether a public agency will or will not disclose records that the Act permits to be kept confidential to disclose PII is made on a case-by-case basis by the particular department responsible for the records. Therefore, this policy is necessary to make clear to County officials and employees that they are to should deny, after consultation with County Counsel, requests for disclosure of private/personal PII if the information requested by the public is exempt from disclosure under the Act. information if the information requested by the public is exempt from disclosure under the Act.~~

~~Nothing in this policy is to be construed to limit or prohibit a County officer or employee officials and employees from acting in conformity with the provisions of the Act and other laws governing personal information with respect to disclosing or maintaining the confidentiality of personal information. The guidelines in this Policy will provide County officers and employees who are the custodians of County records with a clear indication of how to give appropriate weight to privacy rights of individuals in determining whether to disclose personal information to the public. PII.~~

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~~In the absence of any provision of law to the contrary, including the provisions of the Act, personally identifiable information about individuals PII is to be handled by County officers officials and employees in accordance with the following guidelines. County officers officials and employees must should consult with County Counsel prior to determining whether to disclose or not to disclose personally identifiable information PII based upon the application of these guidelines and state State and federal law.~~

- ~~1. 4. Individuals do not lose their right to privacy merely because Personally Identifiable Information PII about them is collected, maintained, and used by the County.~~
- ~~2. Personally Identifiable Information must be protected by reasonable security safeguards against unauthorized and inadvertent access and disclosure. Each County department shall establish procedures for maintaining the confidentiality of personally identifiable information when handling such information during the normal course of business and during the destruction and disposal of records which are of no further use in accordance with applicable law, regulation or funding source requirement.~~
- ~~3. The County Health and Human Services Agency shall appoint a Privacy Officer who shall ensure the privacy of applicable Health and Human Services records.~~
- ~~4. The County Office of Ethics and Compliance shall appoint a Privacy Officer for other parts of the County.~~

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~~5. Personally Identifiable Information (PII) in the possession of the County which that is unrelated~~

~~to exempt from disclosure under the conduct of the public's business Act is not to be disclosed, unless otherwise required by~~

~~law:~~

~~6. An official Public Records Act request (sometimes referred to as a "Freedom of Information Act" request) that seeks review or disclosure of an individual's~~

~~2. private/personal information in the possession of the County must be reviewed in consultation with County Counsel. If disclosure of the private/personal information will constitute an unwarranted invasion of privacy under Government Code section 6254(c), the information is exempt from disclosure and the request for such information is to be denied. Unless otherwise ordered by a court, or unless the individual whose records are at issue provides express written consent to the disclosure, the private/personal information must be maintained as confidential information their disclosure.~~

~~7. Several state and federal laws provide that certain types of private/personal information are confidential or privileged and mandate that such information not be disclosed to the public. It is the responsibility of all County officers and employees to be familiar and to fully comply with these laws when handling such private/personal information in the normal course of their duties.~~

~~3. 8. All County departments shall include the provisions of this Policy as part of their written expectations of and directions to their staff members. The County Office of Ethics and Compliance shall appoint a privacy officer to serve County departments that do not have a designated privacy officer.~~

~~4. All County officers and employees shall be subject to officials and departmental personnel assigned to respond to requests under the Act should be familiar with the requirements of this Policy as part of their County responsibilities.~~

Sunset Date

This policy shall be reviewed for continuance ~~by~~ December 31-22, 2029.

CAO Reference

1. County Counsel

BOARD ACTION:

5/11/99 (29)

5/16/06 (16)

1/30/07 (4)

12/09/08 (33)

11/17/15 (26)

REVISION DATE