

Safeguarding Confidential Information

University employees deal with varied types of information in the performance of their official duties. Some of that information is confidential in nature. Inappropriate disclosure of confidential personal information can subject the University and the employee making the disclosure to a law suit for invasion of privacy or defamation of character and, in some cases, can imperil federal funding to the University. Inappropriate disclosure of confidential information subject to a non-disclosure or confidentiality agreement may subject the University to a suit for breach of contract.

Inappropriate disclosure can consist of providing copies of documents by mail or fax, providing information via e-mail, providing information over the telephone, leaving sensitive documents on a desktop or copy machine visible to others with no official interest in the matter, or discussing a sensitive matter directly with or within the hearing of others having no such interest. Using e-mail to convey confidential information has the added risk of its being inadvertently sent to a distribution list including individuals with no official interest in receipt of the information.

Confidential information includes information pertaining to sensitive personnel matters (personnel applications and files, employment grievances, performance evaluations, complaints of racial discrimination or sexual harassment, medical reasons for absences, etc.), a student's educational records, pending criminal investigations, and matters received in confidence. It also includes ongoing research projects, materials subject to non-disclosure agreements, and materials that the University is obligated by contract to maintain in confidence. In certain instances, it can even include computer software manuals.

The proper approach in dealing with information received on the job is to disclose such information to others within the University only when they have a need for the information or record in order to perform their official duties. Any questionable requests should be referred to the Office of Counsel for legal advice. Disclosure to those outside the University should not be made unless required or permitted by law. While the Alabama Open Records Act generally requires release of information in public records, the Alabama Supreme Court has recognized a number of exceptions to that general rule. Additionally, federal statutes such as the Family Educational Rights and Privacy Act generally prohibit release of personal information from a student's education records without prior written permission of the student. Any requests or demands for information from outside the University (including subpoenas) should be referred immediately to the Office of Counsel