SUMMARY of REVISIONS to POLICIES on PRIVACY and USE of IT RESOURCES - DRAFT

Polices being revised:
• Policies & Procedures Section 11 Privacy and Disclosure of Information
• Policies & Procedures Section 13.2 Policy on the Use of Information Technology

Reasons for revisions:
The IT Use policy was written in 1990 and last revised in 1999 (to address use of phones for personal calls). It needs revision because:

1. There are significant gaps in the policies
   a. MIT has rules on protecting certain personal information (WISP) and on the use of the MITnet; these rules are not mentioned in policy
   b. No reference to other info protected by law (medical info)
   c. Unclear on responsibilities for protecting information
   d. No mention of smart phones or other devices
   e. No reference to incidental personal use of computers or other devices
   f. Unclear on when MIT might block access to IT or data
   g. No mention that MIT may need to preserve evidence (legal cases)

2. MIT’s practice differs from what is stated in the policy
   a. On access to electronic data, policy refers to Office of VP for IS, which no longer exists.
      i. In practice, OGC is involved, as is local DLC, IS&T and HR (for employees)

3. Policies contain some confusing or dated language
   a. Overlap in provisions about privacy
      i. Sec. 11 is about privacy and parts of 13.2 also focus on privacy
      ii. Sec. 11 seems to be directed at “personal privacy” but the language is inconsistent
   b. Paragraph on copyright overlaps with Sec. 13.5 (Reproduction of Copyrighted Materials) and is legally inaccurate
   c. Sparse use of headers and subsections makes policies hard to follow

Significant changes proposed:
• Sec. 11: Clarify its scope
  o Focus on personal privacy, with cross-references to 13.2
• Sec. 13.2: Clarify that its scope
  o Covers records broadly (including records with personal information); also contains cross-references to Sec. 11
  o New broad definition of “IT Resources” — hardware, software, and content
    - Intended to cover current and future technology or ways of working
Clarify process for approving of access to electronic data without individuals’ consent (approval of Sr. Officer or designee, who may consult with OGC)

- Allows some discretion on not informing individual of disclosure of for personal information (e.g., gov’t agency request) – decided by Senior Officer or designee
  - Senior Officer also determines release of personal information not normally released

Potentially controversial changes:
- Could be viewed as cut back on privacy; not intended to do so
- Could be viewed as giving MIT right to access electronic records more easily
  - Intention is make process more clear and to inform when this might happen

Review process:
Completed:
- Ad hoc committee from DLCs: DUE – Sharon Bridburg; HR – Joan Fusco and Marianna Pierce; IS&T – Steve Buckley and Tim McGovern; Libraries – Keith Glavash; Mech E – Leslie Regan; OGC – Jay Wilcoxson
- Additional vetting by groups: HRO’s, OGC lawyers, IS&T Senior Staff
- Special Faculty expert: Prof. Hal Abelson 3/28/12
- Assistant Deans: 4/4/12
- Campus Police: 4/5/12

Upcoming:
- IT Governance Committee: 4/11/12
- Chair of Faculty (in his capacity of chair of Faculty Policy committee): TBD

Approval: Academic Council approval needed; presentation tentatively scheduled for 5/8/12

Primary drafter of policy revisions: Marianna Pierce, HR

Team for review process (after ad hoc committee): Tim McGovern (IS&T), Jay Wilcoxson (OGC), Marianna Pierce; Marilyn Smith joined for meeting with Hal Abelson and will attend the IT Governance Committee meeting

Date: April 5, 2012