

COLLECTING PERSONAL INFORMATION

2211

(No. 4 October 1998)

State agencies are accountable to the individual when collecting personal information about that individual. The individual has the right to know why an agency is collecting the information, how the information will be used and how to gain access to this information.

This section does not apply to any law enforcement document issued by an employee of a law enforcement agency in the performance of his/her duties wherein the issuee is provided an exact copy of the document, or to accident reports whereby the parties involved may obtain a copy of the report pursuant to Section 20012 of the Vehicle Code.

The notice required by this section does not apply to a department's requirements for an individual to provide his or her name, identifying number, photograph, address, or similar identifying information, if this information is used only for the purpose of identification and communication with the individual by the department, **except that requirements for an individual's social security number shall conform with the provisions of the Federal Privacy Act of 1974 (Public Law 93-579).**

Policy

Information collected from an individual must be relevant and necessary to accomplish the purpose for which it was collected (CC Section 1798.14).

Personal information must be collected directly from the individual to the greatest extent possible (CC Section 1798.15).

When personal information is collected from other than the individual, the source of the information must be maintained (CC Section 1798.16).

When a form is used to collect personal information from an individual, a notice regarding privacy will be printed on the form (CC Section 1798.17). See example below.

Procedures

All CDF forms that collect personal information should contain either a "Personal Information Notice," or "Confidential Flag."

PERSONAL INFORMATION NOTICE:

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Officer.

The guidelines for the “Personal Information Notice” are found in the “Information Practices Act,” 1977; Section 1978.17 (a-h).

This “Personal Information Notice” is required on all forms that collect personal information **from the individual to whom the information pertains**.

CONFIDENTIAL FLAG:

CONFIDENTIAL

This document contains personal Information and pursuant to Civil Code 1798.21 it shall be kept confidential in order to protect against unauthorized disclosure.

This flag is for all forms that contain personal information that are completed by **someone other than the individual to whom the information pertains**.

The benefits of this practice are:

1. The confidential flag attracts notice of the individual/s processing or destroying the form by calling attention to the fact that the form requires special protections.
2. Instances when personal information on a form is overlooked are minimized.

When information is collected from a source other than the subject individual, record the date the information is received on the document if the source and address are included in the information, or record the source of the information and maintain it in the subject individual's file.

FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.

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