

ARTICLE 16 - PERSONAL RIGHTS

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- 16.2 **Privacy.** ~~The privacy of an employee's mailbox, office, e-mail, *LMS messages, chat*, phones, computer, *cloud-based file storage, any other electronically saved files, work-related media*, and personal material shall be respected. No information from these sources shall be gathered, stored or exchanged. Exceptions to such notice may be justified due to emergency situations, shall be limited as much as feasible, and shall be reported as soon as feasible to the employee and the Association. "Emergency situations" are defined as, and limited to, physical threats to people, property, or situations that present a substantial legal or financial risk to the College. Any breach of normal privacy in these circumstances shall be done with the cooperation, and in the presence of, a third party. *This article does not modify the College's obligation to fulfill public records requests. The College will alert the faculty member to the request, will constrain searches narrowly tailored to fulfill the request, will only retain copies of the records as necessary for the purpose of maintaining a record of fulfillment of the public records request, and will allow the faculty member to be present and to have an Association representative serve as the third party present.*~~

The College shall respect the privacy of employee's communications, electronic records, and individual physical spaces, including but not limited to employees' mailbox, office, email, LMS messages, chat, phones, computer, cloud-based file storage, any other electronically saved files, work-related media, and personal material. The College will only access and review such records and materials when there is a good faith reason to do so in order to comply with applicable law, respond to physical threats to people or property, or in situations that present a substantial legal or financial risk to the College. Except in cases of imminent danger, the College will notify the employee in advance of any access and will notify the employee of their right to have an Association representative or other third party present. Any access will be limited to the identified issue, and breach of normal privacy in these circumstances shall be done with the cooperation of, and in the presence of, the third party selected by the employee. Nothing in this provision shall be interpreted to restrict the College's ability to comply with applicable law.

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