November 12, 2004

To: David Messerschmitt and Arthur Ogus, Co-chairs, Committee on Computing and Communications

From: Robert Knapp, Chair, Berkeley Division of the Academic Senate

Re: Draft data management, use and protection policy

At its meeting on October 25, 2004 DIVCO discussed the Data management, use and protection policy and the comments of the Committee on Academic Freedom and the Committee on Research. Committee comments are appended. These are not meant in any way to require a response from COMP. I just thought that it would be useful to COMP to know the directions comments of others were heading, as it thought about the Data Management document.

DIVCO felt that, overall, the document, while well intended to deal with an increasingly important topic, had significant organizational and compositional problems. From the discussion it emerged that the document could benefit from revision, which would:

- State clearly and succinctly the purpose of the document; what goal does it hope to achieve by what means? Who are the intended users of the policy?
- Make clear which data are or are not covered by the policy.
- Prioritize material. Major issues, such as HIPPA and FERPA, need to be called out, discussed and emphasized.
- Target subsets of material for groups which would be affected in specific ways; for example, split out items which affect primarily faculty and those which affect primarily administrative units.
- Prioritize enforcement; recognize that there will be routine violations and develop a recommendation about what we should do about these.
- Define some measure of what 'compliance' means. Would the concept of 'reasonable effort' be adequate?
Finally, DIVCO felt that there is considerable work to be done on the policy, especially to address the issues and concerns raised by the Committee on Academic Freedom.

I look forward very much to the ideas that COMP puts forward with regard to the Data Management document.