

NUMBER: ACAF 7.03
SECTION: Academic Affairs

SUBJECT: Private Requests for University Data
DATE: September 22, 1995

Policy for: All Campuses
Procedure for: All Campuses
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I. Policy

The University shall provide institutional data to non-officials of the University or for private use by officials of the University when allowed by applicable laws, when the magnitude of the request is deemed to be reasonable by the appropriate officials of the University, and when the cost of providing the data is recovered from those parties making such requests.

II. Procedure

Introduction

A. As an institution of higher learning, the University of South Carolina places a high value upon the free exchange of information and the freedom to seek knowledge wherever the search might lead. At the same time, the University is committed to the protection of individual privacy, enumerated in various legal sources at the federal and state levels. These two major concerns, when combined with the reality of scarce and inadequate financial resources, make it incumbent upon the University to have in place a reasonable procedure for responding to requests for data that involve substantial costs and which may not be part of the normal conduct of the institution's business.

University officials frequently receive requests for the generation of **new data or reports** about the institution from private parties or for private use, herein defined as situations in which either the requesting party is not an employee of the university, or the intended use of data is not in pursuit of the conduct of official university business. Examples of such requests include, but are not limited to, requests from students for data to be used in theses or dissertations, requests from faculty for data to be used for personal research purposes, or requests from external parties such as the media. The cost to the university to produce such reports can be substantial and may fall outside the mission of the institution and its respective divisions. While data which have already been published can be made available to the public, requests for new reports by private parties or for private use must be evaluated carefully for both legal and managerial considerations.

B. The policy presented here does not attempt to resolve legal issues which may be raised by such requests, but establishes a procedure whereby both the university and a private client seeking university data can determine both the legality of fulfilling the request and the estimated cost for its completion.

Mechanism of Request Completion

A. Formulation of the Request

Persons seeking data or new reports as described and defined in A above must submit a written request to the appropriate Data Custodian as outlined in ACAF 7.02 of the University Policies and Procedures. The request should provide detailed descriptions of the data requested, the time period which the data should cover, the desired format in which the output is to be presented, and the intended use of the data.

B. Responsibilities

1. It shall be the responsibility of the appropriate Data Custodian to evaluate the request in terms of any potential violations of law, or to ask for such an evaluation by the University's General Counsel.
2. If the Data Custodian approves release of the data for the purposes described in the request, such approval must be made in writing. If the data or report is to be prepared by personnel reporting to the Data Custodian, the approval should be accompanied by an estimate of costs and the amount of time needed for preparation of the data.
3. If the Data Custodian approves release of the requested data but is unable to provide the services necessary to comply with the request, the requesting party may seek the assistance of the Academic Services staff at the Computing Services Division on the Columbia Campus or from appropriate staff at another USC campus. Before undertaking to provide the requested services, the provider shall render an estimate of time required and costs to the requesting party, and may require information from the requesting party in addition to that provided to the Data Custodian. This should be done in writing. Approval for use of University data must be obtained from the appropriate Data Custodian for requests originating on any campus of the University. However, the determination of reasonable charges for the provision of services shall be made by the office or staff providing the service.
4. Once the requesting party and the service provider have reached agreement on the terms under which the project will be carried out, a written summary shall be signed by both parties with a copy returned to the Data Custodian(s) whose approval has been obtained for use of the data. For requests made under provisions of the Freedom of Information Act, a copy of the summary agreement should be returned to the university's General Counsel. It is understood that a request for data does not include analysis of that data by the provider. That is the responsibility of the client.

5. In establishing estimated and actual costs of providing such service, university staff shall consider full cost recovery of all resources needed for completion of the project, including staff time, computer time, and commodities.
6. Data or reports prepared under this procedure shall be released to the requesting party upon presentation of evidence of payment in full to the appropriate university office.
7. Payment for services can be waived by the president or provost.