

Attachment 4

March 12, 2013

Dr. James Bloodgood, President
Kansas State University Faculty Senate
Fairchild Hall
CAMPUS

Dear President Bloodgood:

The Electronic Mail Policy, PPM 3455, requires the Vice Provost for IT Services (VP ITS) to report annually to the Faculty Senate regarding cases where permission to access data was granted per this policy. The relevant portion of section .020 from the policy is:

The University encourages the use of electronic mail and respects the privacy of users. Nonetheless, electronic mail and data stored on the University's network of computers may be accessed by the University for the following purposes:

For items a-g, the extent of the access will be limited to what is reasonably necessary to acquire the information and/or resolve the issue.

- a. troubleshooting hardware and software problems,*
- b. preventing unauthorized access and system misuse,*
- c. retrieving University business related information, **
- d. investigating reports of alleged violation of University policy or local, state or federal law, **
- e. complying with legal requests (e.g.; court orders) for information, **
- f. rerouting or disposing of undeliverable mail,*
- g. addressing safety or security issues.*

** The system administrator will need written approval, including e-mail, indicating the extent of access that has been authorized from the Vice Provost for Information Technology Services or the Vice Provost's designee, to access specific mail and data for these purposes.*

The three conditions that require CIO/VP-ITS approval are described in items c, d, and e above. Cases where a terminated employee's access is removed before the normal expiration of such privileges fall under category b, preventing unauthorized access, and do not require approval. However, the approval of the CIO/VP-ITS is normally requested under those circumstances.

During calendar year 2012, the CIO/VP-ITS granted permission for the following 28 cases (note – there were 21 cases in 2011, 22 cases in 2010, 17 cases in 2009, 18 cases in 2008, 10 in 2007, and 28 in 2006):

Item c: 2 cases – both relating to granting access to email of deceased employees

Item d: 19 cases – 15 cases related to missing or stolen computer equipment; one investigation into alleged illegal activity involving a KSU employee at the request of the KSU Police Department; one investigation into misuse of computer equipment in a classroom at the request of an academic department; one investigation into harassing emails sent to a student at the request of the KSU Police department; one investigation into possible identity theft involving a student at the request of the KSU Police department.

Item e: 8 cases – four requests to preserve relevant email evidence related to existing or pending lawsuits per the federal rules for civil procedure (aka eDiscovery). We were notified of 10 eDiscovery requests in 2012, but only 5 required central IT Services to preserve users' email; three cases were responses to subpoenas from law enforcement agencies.

Please contact me if you have any questions.

Sincerely,

Ken Stafford
CIO and Vice Provost for Information Technology Services
Cc: Provost Mason