April 6, 2023
Privacy Violation Update

Dear Colleagues,

United Faculty has sent a cease and desist letter to the Board of Trustees regarding the violation of faculty privacy rights and the threat that faculty will lose their dependent coverage if they do not meet with a representative from American Fidelity within a specified window to provide further private information.

Please see the attached letter to the Board of Trustees. We will send out another email as soon as we hear from the Trustees.

In Unity,

Christie

Christie Diep
President, United Faculty

United Faculty
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
CYPRESS COLLEGE · FULLERTON COLLEGE · NORTH ORANGE CONTINUING EDUCATION

April 6, 2023

Dear Members of the NOCCCD Board of Trustees:

United Faculty has been made aware of NOCCCD's transaction with American Fidelity, in which the District has engaged in a business exchange by providing the protected, private information of all faculty without our consent.

Associate Vice Chancellor of Human Resources Julie Kossick has violated faculty privacy rights and AP 3722 ("District Data Security Standards for End Users," Sections 3.1.1, 3.1.1.7, 3.1.2, and 3.1.2.3, respectively). Gov Code 19815.9 and CA Code of Regulations 599.855 require employee dependent validation **prior** to enrollment and then re-validation once every three years. In addition, faculty privacy rights are protected under the CA Privacy Act and under NOCCCD AP 3722. Faculty have already provided this private information to the District during Open Enrollment, yet they are now being forced to give the same, private information to a third-party vendor.

Under AVC Kossick's supervision, the District has given protected, private information to American Fidelity without faculty consent. Faculty are also being commanded to meet with one of the company's representatives in person and provide further private, personal data. We have already struggled with the

security of our private information in our District. Moreover, it is suspicious that three months after our hard-won dependent benefits have gone into effect, the District is now threatening to take them away.

Central to the issue is consent—consent of faculty to have our private information shared with an outside vendor. Again, faculty were never asked for our consent to release any of our information to a third-party vendor. To this end, NOCCCD has violated the following three faculty rights:

1. The District never asked for faculty to consent to having our personal information released to a third-party vendor, which violates our California privacy rights and Administrative Policy (AP) 3722.
2. In addition, the District is mandating that faculty provide our personal information to this third-party vendor in violation of our HIPAA rights. They have ignored our right to consent to having our private medical information shared for the benefit of and use by a third-party vendor with whom they are doing business.
3. The District is using scare tactics and is threatening faculty with loss of dependent coverage if we do not submit to this violation of our privacy. The District is using faculty data as a transactional instrument in a contract they signed with American Fidelity without faculty knowledge or consent.

Therefore, **United Faculty demands that NOCCCD immediately cease and desist from mandating that faculty meet with American Fidelity to verify their dependent coverage**. UF also demands that the District retrieve all faculty information that has been shared with American Fidelity. The District must ensure that American Fidelity destroys any and all databases that they were given as part of this transaction. Furthermore, United Faculty demands the District complete these actions and inform all faculty in writing before April 17, 2023.

For reference, below are the aforementioned policies in violation:

3.1.1 Level 1 – Confidential: Information used by District operations that may contain SSN's, PII, financial, health, or other sensitive data such as passwords that may harm or damage the District or users if exposed to the public or to unauthorized subjects. Confidential data is intended solely for use within the District and limited to those with a "business need-to-know". These data must be secured and protected at all times and only authorized personnel may access such data. Examples of Level 1 – Confidential Information include…(3.1.1.7) Personal health insurance information (e.g., individual policy number, claims, etc.).

3.1.2 Level 2 – General: Other information not specifically protected, but may result in financial loss, legal action, damage to the District's reputation, or violate an individual's privacy rights if released. General information is vital to District operations and not intended for public knowledge or consumption. General classification includes information only for internal use within the District that must be protected due to proprietary, ethical, or privacy considerations. Examples of Level 2 – General Information include…(3.1.2.3) Employee information (e.g., home address, personal telephone numbers, race/ethnicity, employment history, etc.).

United Faculty looks forward to your prompt response to these very serious violations.

Christie Diep—President, United Faculty-NOCCCD
Katie King—Vice President, United Faculty-NOCCCD