

**INSTRUCTIONS TO IT EMPLOYEES FOR HANDLING
INFORMATION REQUESTS FROM FBI OR OTHER FEDERAL AGENTS**

November 19, 2007

You must not respond to any request from the FBI or other federal agent for preservation or production of records, whether written or oral, without instruction from Campus Counsel or the Office of the General Counsel.

If an FBI or other federal agent approaches you with a written order to preserve and/or produce records, tell him/her that you cannot accept it and that it must be served on the Office of Campus Counsel. In the unlikely event that he/she insists on giving it to you anyway, take it immediately to your Office of the Campus Counsel. If you are unable to reach that office, call Cynthia Vroom at the Office of the General Counsel, (510) 987-9773.

If the order states that disclosure of its existence is prohibited (or if the agent tells you that), do not tell anyone other than your Office of the Campus Counsel (or Office of the General Counsel) that you have received the order. Do not leave the order lying around in a place where others might see it. This is extremely important: there may be criminal penalties for unauthorized disclosures. (Telling your Office of the Campus Counsel or Office of the General Counsel is *not* an unauthorized disclosure; it is permitted, and there would be no adverse consequences to the employee for doing so.)

If an FBI or other federal agent calls you on the phone and asks you to preserve certain records, tell him/her that you may not do so without authorization from the Campus Counsel. If the agent tells you that written authorization is forthcoming but that the records urgently need to be preserved until then, ask the agent to direct the request to the Office of the Campus Counsel. In the unlikely event that he/she refuses, call your Office of the Campus Counsel immediately. If you are unable to reach that office, call Cynthia Vroom at the Office of the General Counsel.

A NOTE OF REASSURANCE: although these instructions are intended to be comprehensive, it is *extremely* unlikely that an FBI or other federal agent would ask a staff employee to comply with an information request once the employee asks the agent to contact the Office of the Campus Counsel. As stated above, it is appropriate for an employee to refer the agent to University attorneys, and there would not be any adverse consequences to the employee for doing so.

If the Campus Counsel has designated an administrator to handle such information requests, the name of that person should be communicated to the local IT staff, so that staff will know who to contact should the situation arise.