
State of California

California Department of Technology

Office of Information Security

**Privacy Individual Access
Standard**

SIMM 5310-B

January 2018

REVISION HISTORY

REVISION	DATE OF RELEASE	OWNER	SUMMARY OF CHANGES
Initial Release	September 2013	California Information Security Office	New Standard
Minor Update	January 2018	Office of Information Security (OIS)	Office name change

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INTRODUCTION

This standard provides requirements to information asset custodians and state entity personnel on the parameters under which individuals shall be provided access to personal information that has been collected by agencies.

INDIVIDUAL REQUESTS FOR INFORMATION

Response to Requests for Information

If an individual requests information as to whether or not a state entity maintains a record of personal information about that individual, the state entity shall include in the response, at least the following:

1. The state entity's Privacy Policy Statement
2. The state entity's relevant Privacy Notice on Collection

Both of these documents shall meet or exceed the requirements contained in the Privacy Statement and Notices Standard (SIMM 5310-A).

Time Frame for Response

The trustee shall inform the individual requesting information of the timeframe in which they can expect a response from the state entity. The state entity shall respond to requests for information within 30 days.

INDIVIDUAL REQUESTS FOR ACCESS TO RECORDS

Time Limits

Upon request and proper identification, individuals shall be provided access to his or her record within 30 days of the state entity's receipt of the request if the record is active, and within 60 days of the state entity's receipt of the request for records that are in multiple locations, or which are inactive and in central storage. All access requests pertaining to records containing personal information are subject to limitations as described in the Information Practices Act of 1977 as well as the SAM section 5365, Privacy Policy.

Access Denial

If a state entity denies an individual access to his or her records of personal information, the individual shall be provided with an explanation of the reason for denial. The individual shall be informed of the state entity's method of recourse if the individual disputes the decision to deny access, including an explanation of the right to bring a civil action, as per Civil Code section 1798.45.

Permitting Other Individuals Access

Upon request, an individual may appoint an agent of his or her choosing to access any or all records of personal information and to have an exact copy made of all or any portion of the record within 15 days of the inspection. A state entity may require the individual to provide a written statement authorizing disclosure of the individual's record to the agent.

INFORMATION RELATING TO OTHER INDIVIDUALS

In disclosing personal information contained in a record to one individual, no personal information relating to another second individual shall be contained in the record. To comply with this section, all personal information concerning the second individual shall be deleted from the copy provided to the first, or otherwise removed from the disclosure.