

HARVARD UNIVERSITY
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MEMORANDUM

To: Deans of the Faculties

From: Drew Faust

Date: August 22, 2013

Re: Interim Protocols on Electronic Communications

In April of this year, I asked Michael Keating of the law firm Foley Hoag to undertake an independent inquiry into the facts relating to the email searches conducted last September in connection with the proceedings of the Harvard College Administrative Board. At that time, I also appointed a task force chaired by Professor David Barron to recommend how we might improve and clarify our policies regarding access to and confidentiality in electronic communications. I anticipate that the task force will complete its work this winter.

Upon receiving Mr. Keating's report, I observed that it confirmed my judgment that we need "clearer, better, and more widely understood policies and protocols to honor the important privacy interests that we should exercise the utmost vigilance to uphold." I also announced at that time that we would put into place interim protocols until the work of the Barron task force is completed and reviewed. I would like to emphasize that the interim protocols set forth below clarify and build on our existing policies and procedures. They are focused on ensuring we have appropriate systems in place to record and review any searches that may occur in this interim period and to enable any such searches to be undertaken only with appropriate respect for the sensitivities involved. They are not a substitute for a broader review. It is the charge of the task force, after reaching out to the University community this fall, to thoughtfully examine, debate, and recommend the more comprehensive approach that is needed.

As a matter of institutional values, Harvard respects the sensitivities associated with electronic information. The following protocols shall therefore be in place for this interim period:

1. Any search should occur only after careful institutional consideration and in response to legitimate institutional interests. Each School or central administrative unit should ensure that any search is subject to an approval process that accords with the University's values and that fully satisfies the other requirements set forth below.

2. Any search of electronic information should be done by or with the involvement of either University or School CIO.
3. The University CIO and the School CIOs are accountable for ensuring that any search is conducted narrowly and that all data accessed is safeguarded.
4. An authorization to conduct one search is not considered authorization to conduct additional searches. Any search must be independently approved.
5. The OGC, HUIT, and the School CIOs will ensure that records are kept of any searches. The records must include a description of why the search was initiated, who authorized the search, and how the search was conducted. The University CIO will be responsible for consolidating and maintaining these records.
6. During this interim period, HUIT and the OGC will meet regularly with the School CIOs to review any records and to clarify appropriate practices as needed.

The University Chief Information Officer, the Vice President for Strategy and Programs, and the Vice President and General Counsel are available to answer any questions about these protocols or to assist in responding to specific situations.

cc: Administrative Deans and Vice Presidents