

Ann-Hua Association

Policy # 2402

Reviewed on 08-11-2021

隐私和记录监管的需要


Privacy and the Need to Monitor and Access Records

I. BACKGROUND

Ann-Hua Association (the “Ann-Hua”) respects the privacy of its officers, employees and volunteers and seeks to foster a climate free from arbitrary or capricious monitoring of individuals and the *records* they create, use, or control. 安华协会（以下简称“安华”）尊重其工作人员、雇员及志愿者的隐私，并试图培养一种开放和信任的工作氛围，不针对工作人员及其制作、使用和负责的记录实行武断的或肆意的监控。

Nonetheless, the Association must, at times, access *records* or monitor *record systems* that are under the control of its officers, employees and volunteers. Furthermore, because the Association permits some latitude for individuals to use Ann-Hua’s resources to conduct organizational business other than the organization offices, *work-related records* and individuals’ *personal records* may be located in the same place. 即使如此，安华协会有时必须查看由工作人员、雇员或志愿者管理的记录或记录系统。此外，因为安华协会允许其工作人员一定程度地在安华办公地点以外使用安华的资源办公，工作相关的记录 and 个人的私人记录可能存储在在在同一地点。

This policy defines the rights, responsibilities, and expectations of Ann-Hua Association and its officers, employees and authorized volunteers regarding the conditions under which they may access *records* and monitor *record systems*. 本规定对安华协会及其工作人员、雇员和经授权



的志愿者在何种情况下有权查看和监管记录和记录系统，以及他们的权利、责任和预期进行了规定。

II. POLICY 总原则

There are many laws that govern the maintenance and disclosure of *records*. Accordingly, Ann-Hua Association cannot guarantee the data safety and privacy of any *records*, including the *personal records*, of any individual such as officer, employee and volunteer. 对记录的管理和披露有很多相关法律都进行了规定。相应的，安华无法保证任何记录的数据安全和隐秘性，包括任何个人（包括工作人员、雇员和志愿者）的私人记录。

This policy governs those circumstances in which the Association, when not governed by external law, will monitor or access *records* and *record systems*. Other than as authorized under the regulations of this policy, neither the Association nor any individual acting on behalf of the organization will access *records* or monitor the content of *record systems* located on Ann-Hua-controlled premises or Ann-Hua property, which includes but is not limited to Ann-Hua's computers, networks, offices, and telephones. 本规定载明的是当外部法律没有限制时，安华协会对记录和记录系统进行监管和访问的情形。安华协会或任何代表本组织的个人，除了在本规定允许的授权情况外，不应访问或监管安华控制的场所和财产（例如电脑、网络、办公地点、电话）里的记录和记录系统里面的内容。

III. DEFINITIONS 定义

Words appearing in SMALL CAPS are to be read as defined in this section. 本规定中小写斜体词汇的定义列举如下。

A. RECORDS 记录

For purposes of this policy, a **record** is any document, file, computer program, database, image, recording, or other means of expressing fixed information that is created, received, used, or maintained within the scope of Ann-Hua business or employment at the organization or that resides on Ann-Hua-controlled premises or property. *records* are either *work-related* or *personal*. 本规定内定义的“记录”，指任何（1）在安华运营范畴内制作、接收、使用或维护的、（2）雇佣关系带来的、或（3）安华管理的地点和资产收录的，所有档案、文件、电脑程序、数据库、图片、录音或其他形式的固化的信息。记录可以指工作相关的记录或私人记录。

B. RECORD SYSTEMS 记录系统

record systems are ways of storing, disseminating, or organizing *records*. They include, but are not limited to, computers, computing networks, telephone lines, voice mail, fax machines, filing cabinets, etc. which are Ann-Hua property or which are controlled by Ann-Hua. “记录系统”指记录存储、传播和整理的方法，包括但不限于安华拥有或控制管理的电脑、运算网络、电话线、留言、传真机、文件柜等。


C. WORK-RELATED RECORDS 与工作相关的记录

work-related records are either *business records* or *scholarly records*. 与工作相关的记录指业务记录或学术记录。

D. BUSINESS RECORDS 业务记录

A **business record** is any record created, received, used, or maintained by an individual (such as an officer, employee or volunteer) in the normal course of his or her professional responsibility or work for the organization. This includes *records* relating to an individual's professional development, but does not include individual-owned *scholarly records*. Below is a non-exhaustive list of examples of *business records* that includes both draft or final documents, underlying or supporting documentation of such records: “业务记录”指任何由个人（工作人员、雇员或志愿者）在本组织的正常业务职责或工作中制作、接收、使用或维护的任何记录，包括个人的职业发展的记录，但不包括本人拥有的学术记录。以下列举了一些业务记录的例子（不穷尽），业务记录包括以下记录的草稿和最终版，以及支持性文档：

1. budget reports 预算报告；
2. documents shared with or generated by third parties, such as purchase orders, bills for services or contracts with vendors 第三方分享或生成的文档，例如购买记录、账单或合同；
3. data sets that do not meet the definition of individual-owned *scholarly records*, such as financial or enrollment data 不属于个人拥有的学术记录的文档和数据，例如财务数据或注册数据；
4. feasibility studies or utilization analysis 可行性研究或使用分析；
5. attendance records, work schedules, or work orders 出勤记录、工作日程或工作安排；

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6. correspondence or memoranda related to Ann-Hua business 和安华业务相关的通信往来和备忘录;
 7. course syllabi 课程设置;
 8. student grades 学生成绩;
 9. member information and voting *records* 会员信息及投票记录
 10. worker records 工作人员档案
 11. meeting minutes 会议记录;
 12. departmental web sites or e-mail groups 部门网页或电子邮箱群; and
 13. committee reports 委员会报告.

E. Individual-OWNED SCHOLARLY RECORDS 个人拥有的学术记录

Individual-owned scholarly records are defined in “Ownership of Patents, Copyrights, Computer Software, and Other Intellectual Property Rights” (Policy#1701) as works that are created at the individual member's own initiative with usual Ann-Hua resources. They include, but are not limited to *records* related to information gathering, knowledge production, methodology, distribution, handouts, reading lists, research, research plans, notes, charts, articles, presentations, books, scholarly commentary, consulting works, films, music, choreography, works of art, and all other *records* produced in the role of scholar, researcher, or teacher. They do not include grades or course syllabi, nor do they include *records* produced using unusual Ann-Hua resources, commissioned works, or *records* created as a result of an individual's administrative appointment, or service to the organization, such as volunteer/committee work or serving as a hearing officer. “个人拥有的学术记录”在《专利、版权、电脑软件及其他知识产权的归属》（政策号#1701）中定义，是安华成员使用安华的常规资源自主自愿所做的工作，包括但不限于与信息收集、知识产生、方法、分发、讲义、书单、科研、科研计划、笔记、图表、文章、报告、书籍、学术评论、咨询工作、影片、音乐、编舞、艺术工作有关的、以及其他所有以学者、研究员和教师身份制作的记录；不包括（1）成绩或教学大纲（2）使用安华的特殊资源制作的或安华定制的记录（3）出于行政职务或对本组织服务的记录，例如参与志愿活动或某委员会的工作或作为听证人员的记录。

F. PERSONAL RECORDS 私人记录

A **personal record** is a record that is created, received, used, or maintained by an individual

for a purpose not related in any way to his or her work for the organization. “私人记录”指个人制作、接收、使用或维护的、其目的与其在本组织的工作无关的记录。

G. LEGITIMATE BUSINESS NEED 合理的业务需要

A **legitimate business need** is any reason necessary to conduct the normal business of the Association. A legitimate business need can be held only by a person who, based strictly on his or her job responsibilities, has a specific need to know the information accessed or monitored. The normal business of Ann-Hua Association includes, but is not limited to: “合理的业务需要”指任何实行安华协会正常业务所需要的原因。合理的业务需要可以只由一个人、严格按照他/她的工作职责、因有特定需要了解被访问或被监管的信息而提出。安华协会的正常业务包括，但不局限于：

1. preparation of departmental budgets; 准备部门预算
2. ordering of materials, supplies, and equipment for the unit; 为部门购买材料、耗材和仪器
3. activity related to providing service, such as human resources, legal services, computer support services, etc.; 与提供服务相关的工作，例如人力资源、法务服务、计算机支持等等
4. strategic planning activity; 战略性规划
5. planning, financing and construction of capital projects; 资产建设项目的计划、财务规划和建设
6. preparation of work schedules; 工作时间表的准备
7. duties related to Board or committees; or 与董事会或各委员会相关的职责
8. audits of Ann-Hua finances, processes, and related activity. 对安华的财务、流程及其他事项的审计

Legitimate business need does not include access or monitoring the content of *records* or *record systems* in order to determine: 合理的业务需求不包括为了作出如下判断而对记录或记录系统里的内容进行查看和监管：

1. whether an individual member is spending an excessive amount of work time on personal activities; or 是否某成员花费大量工作时间用于私人活动
2. whether an individual member has committed misconduct, unless there is reasonable cause to believe that misconduct has been committed, and that Ann-Hua's resources may have been used improperly. 是否某成员有过失行为，

除非有合理的理由相信过失行为及安华的资源有可能被不当使用的情形存在。

II. REGULATIONS 管理制度

A. ANN-HUA'S OBLIGATIONS 安华的职责

1. STANDARDS FOR ACCESSING OR MONITORING RECORDS 查看和监管记录的标准

- a. Standards that apply to all *business, scholarly, and personal records or record systems* 适用于所有业务、学术、私人的记录和记录系统的标准：

Ann-Hua may access or monitor all *records (business, scholarly, and personal) or record systems* in the following circumstances: 安华可能在下列情形，访问或监控所有记录种类，即业务、学术、私人的记录或记录系统：

- 1) When the organization must monitor *record systems* to avert reasonably anticipated threats or hazards to those *record systems*. An example includes scanning to detect computer viruses; or 当本组织必须监控信息系统，以防止可合理预见的对记录系统的威胁或危害，例如扫描检测电脑病毒；
- 2) When the organization or any third party authorized by the organization must conduct forensic investigations into any data theft, breach or exposure; or 当本组织或经授权的第三方对信息失窃、泄漏和曝光事件进行取证调查；
- 3) When the organization is required by law to access, monitor, or disclose *records or record systems*. 当法律要求本组织查看、监控或披露记录或记录系统时。

- b. Standards that apply to each type of record 针对每一种记录类型的特殊标准

1) *Business records* 业务记录

Ann-Hua Association may access *business records* or monitor the *business record* content of *record systems* when the organization has

a *legitimate business need*. 当有合理的业务需要时，安华协会可以访问或监控业务记录和记录系统内的内容。

2) *Scholarly records* 学术记录

a) *Scholarly records* are one type of *work-related records*.

Ann-Hua Association may access or monitor *scholarly records* when the organization has a *legitimate business need*, except when the *scholarly records* are individually-owned. 学术记录属于工作相关记录的一种。当有合理的业务需要时，安华协会可以访问或监控业务记录和记录系统内的内容。

b) The copyright of *scholarly record* may be *individually-owned* as defined by “Ownership of Patents, Copyrights, Computer Software, and Other Intellectual Property Rights” (Policy#1701) or the written agreement between the provider and Ann-Hua Association. Other than as authorized under a), for the purposes of this policy, the monitoring and access standards that apply to *individually-owned scholarly records* (or records that are labeled as such) shall be consistent to those apply to *personal records*. 依照《专利、版权、电脑软件及其他知识产权的归属》（政策号#1701）规定或安华协会与记录提供方的书面协议，学术记录的版权可以由个人拥有。除非有如a)中载明的情形，除此之外在本规则框架内，个人拥有的学术记录（或如此标记的记录），将依照私人记录管理方式管理。

3) *personal records* 私人记录

a) Ann-Hua Association and its officers, employees and volunteers will not access or monitor the content of *personal records*, or monitor the *personal records* content of *record systems*, except under the following circumstances: 安华协会及其工作人员、雇员和志愿者将不会访问或监控私人记录或记录系统内的私人记录内容，以下情况除外，：

i) When an individual who controls *individual-owned scholarly or personal records* (e.g. password, assigned office

holder, etc.) is unavailable or unwilling to give consent to access and when it is necessary for the organization to determine whether there are *business records* contained therein, Ann-Hua Association will access such *records* only to the extent necessary; or, 当安华协会需要访问私人记录以判断在该记录中是否存在业务记录，而对此私人记录（包括个人拥有的学术记录）有控制权的个人无法或不愿对此表示同意时，安华协会会在必要的范围内访问记录；

ii) When there is reasonable cause to believe that the individual has engaged in misconduct and may have used Ann-Hua's resources improperly. 当有合理的理由相信该个人从事了过失行为、并且有可能存在安华的资源被不当使用的情况。

b) When accessing or monitoring *personal records in accordance with the circumstances provided in a)*, Ann-Hua Association and its employees or authorized volunteers will not use or disclose the contents, unless compelled by laws. 当依据a)条规定访问或监控私人记录时，安华协会及其雇员和经授权的志愿者不应使用或披露其内容，除非此披露是依法律要求。

c) Ann-Hua Association will utilize the best available measures within its capability to protect the safety of data stored in its system, including *personal records* defined in this policy, the organization however cannot guarantee the absolute safety and privacy of such *personal records* and is not responsible for any *personal records* leaking caused by third-party systems or individual user's mistakes. 尽管安华协会在它力所能及的范围内会尽力保护存储在其系统中的数据及信息，包括私人记录，但本组织无法保证该私人记录信息的绝对隐私和安全，也不对第三方软件及用户个体错误造成的个人记录泄漏负责。

1. PRESERVING AND PROTECTING *RECORDS* 记录的保留和保存


Ann-Hua Association reserves the right to protect or preserve the *records* in Ann-Hua's

record systems when there is a *legitimate business need*. For instance, the organization may take a “snapshot” of a computing account to preserve its status on a given date, copy the contents of a file folder, or restrict access to a record system. Ann-Hua Association may access or monitor preserved or protected *records* pursuant to Part IV of this policy. 当存在合理的业务需求时，安华协会保留保护或保留记录系统中的记录的权利。例如，本组织可能会对某一账号某一天的状态做记录并保留、复制某一文件夹里的内容或限制某记录系统的访问权限。安华协会可根据本规定第四部分的规定访问和监控被保留和保护记录。

B. INDIVIDUAL’S OBLIGATIONS 个人的责任

1. FILE MAINTENANCE 文档保存

- a. *work-related records*. 工作相关记录 Individuals are responsible for organizing their *work-related records* so that they are accessible to those with a legitimate business need to know or access the information contained in them. 每个个人都必须整理好他们的工作相关记录，以备有合理的业务需求的人员查阅和了解记录中涉及的信息。
- b. *Individual-owned Scholarly or personal records*. 个人拥有的学术记录或私人记录 Ann-Hua does not recommend individuals store *scholarly or personal records* on Ann-Hua’s *record systems*. If individuals choose to do so, they should be aware of the risks of and consequences of data theft, breach or exposure and bear the consequences of the same. Ann-Hua Association cannot guarantee the safety and privacy of *individual-owned scholarly or personal records*. Individuals should take reasonable measures to safeguard against inappropriate or inadvertent access to their *records*. Ann-Hua recommends that all individuals should (1) use password to protect all *individual-owned scholarly records and personal records* maintained on Ann-Hua-controlled premises or property; (2) maintain this information in an identifiable separate location (for example, folders or files marked as “private”) from their *business records* and protect it with password. (3) be aware that Ann-Hua is obligated to access such records under certain situations, including but not limited to those provided in IV.A.1.a. 安华不建议个人将其学术或私人记录存储在安华系统中。如果选择在安华系统中存储此类记录，个人应了解并承担该记录被盗、泄露或曝光的风险及后



果。安华协会无法绝对保证存储在其系统上的个人拥有的学术记录和私人记录的隐私安全。个人应采取恰当的方法防范对这些记录的不合适和不慎访问。安华建议所有人员应当（1）当私人记录和个人拥有的学术记录保存在安华管理的场地和财产时，使用加密方式保护所有的私人记录；（2）把这些记录和业务记录分开保存和管理，例如使用分开的文件夹或文档并标记为“私人”，并设定加密保护；（3）并了解在特定情况下，包括但不限于IV.A.1.a.规定的情形，安华有责任查看该类记录。

2. STANDARDS OF INDIVIDUAL CONDUCT FOR ACCESSING OR MONITORING *RECORDS* 个人访问或监控记录的行为标准

It is a violation of this policy for an individual associated with Ann-Hua to monitor *record systems* or access *records* beyond the standards established by Ann-Hua Association. It is also a violation of the policy if Ann-Hua has granted access to the individual (to monitor or access *records*) and if the individual has accessed or monitored *records* or *record systems* for purposes other than the purposes for which Ann-Hua has granted access. 任何与安华有关的人员对记录系统的监控或对记录的访问超出安华协会规定的范畴时，被视为违反本规定。经安华授权的个人如出于安华授权目的以外的意图，利用该权限访问或监控记录或记录系统，也属违反本规定。

3. SANCTIONS 制裁

Violations of this policy will be considered misconduct on the part of the officer, employee and volunteer and will be subject to institutional sanctions up to and including termination of appointment. 当工作人员、雇员或志愿者违反本规定时，会导致本组织的制裁，甚至导致离职。

I. GRIEVANCES 申诉

Individuals who allege that Ann-Hua Association has violated their rights as described in this policy may report to their direct supervisor and/or the President of Ann-Hua Association (president@annhua.org). 当个人认定安华协会侵犯了其根据本规定享有的权利时，可以向直接领导和/或安华协会执行长(president@annhua.org)提出申诉。

II. REVISION HISTROY 政策修改记录

Version	Date of Revision	Author	Description of Change
1	2021/01/31	Administrative Office, IT department	

附件：示意图

Records 信息记录的分类 (Ann-Hua Association)

