DEATH: How to proceed to access data

How to act when requesting data from deceased or disabled users

The Servei d'informàtica, through its management, is responsible for the security of information in the field of the University of Valencia, and therefore it is its obligation to maintain the security of the information handled and the ICT services provided. It must verify that the established security measures are adequate for the protection of the information and services provided, and approve those security procedures for its report to the Information Security Committee of the University of Valencia. It corresponds to the address of the Servei d'informàtica the approval of those security procedures elaborated by those responsible for the systems when, by virtue of their content, they do not require the approval of the Security Committee, as well as proposing the drafting of those security regulations that the Universitat considers necessary to carry out.

A situation of special complexity occurs when access to the content of mail accounts, terminals or spaces is requested on disco.uv.es or equivalent. The Universitat de València has not clearly differentiated between private uses and personal uses of information systems and computing resources. What forces us to define a procedure that guarantees the following objectives:

- Preserve the confidentiality of the information of the Universitat de València regarding undue access by third parties.
- Guarantee the right of family members or assignees to access information of a personal or private nature.

The same situation may occur in case of supervening disability.

Normative

- Civil Code.
- Royal Decree 1720/2007, of December 21, which approves the Regulations for the development of Organic Law 15/1999, of December 13, on the protection of personal data.
- Regulations for the use of resources related to information and communication technologies, of the Universitat de València http://www.uv.es/uvweb/servicio-informatica/es/normativa-dures/Reglamento-uso-recursos-tic-uv-1235874221018.html

Process

1) Requests for access to data on the deceased will only be made by accredited family members, in any of these ways:

- 1.1) If the heir status is certified through a certificate issued by the Ministry of Justice and a copy of the will, or any testamentary condition that qualifies for said access.

- 1.2) By judicial declaration declaring the succession 'intestate ab'.

In the case of persons with disabilities, access may only be exercised by those persons to whom the guardianship or legal representation has been attributed.
2) The applications will be addressed to the General Secretary of the Universitat de València, as the person in charge of the information in accordance with article 5 of the 'Information Security Policy on the use of electronic means of communication. UV (ACGUV 13/2014 of January 21) accompanied by the documentation indicated in the previous paragraph.

3) Once the documentary verifications that validate the legitimacy for access to information have been made, the General Secretariat will officiate the SIUV authorizing access.