



AP 3801 Sharing or Disclosing Citizenship or Immigration Status or Country of Birth Information or Other Protected Information

References:

ORS 180.805

NOTE: This procedure is *recommended as good practice* by the Oregon Attorney General.

Disclosure of Citizenship or Immigration Status or Country of Birth Information is Not Allowed

Oregon law generally prohibits Clatsop Community College from sharing or disclosing citizenship or immigration status or country of birth information that the college collects, unless one of the following exceptions applies:

- The disclosure is required by state or federal law (other than federal immigration law).
- The disclosure is required by a judicial order, judicial warrant, or judicial subpoena.
- The information being shared with a person concerns only that person or their dependents.
- The information is aggregated and not personally identifiable.

Citizenship or immigration status or country of birth information is any information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

Limited Disclosure of Protected Information

Oregon law generally prohibits sharing the following protected information about a person if the purpose is for the enforcement of federal immigration law:

- Address;
- Workplace or hours of work;
- School or school hours;
- Contact information, including telephone number, electronic mail address or social media account information;
- Known associates or relatives; and
- Date, time or location of the person's hearings, proceedings or appointments with the college that are not matters of public record; and
- Above information about a person's relatives or known associates likewise cannot be shared.

In general, federal immigration authorities are agents of the Enforcement and Removal Operations section of US Immigration and Customs Enforcement (ICE), which is housed in the



Department of Homeland Security (DHS). However, any federal officer who is seeking to identify or locate one or more individuals for the purpose of pursuing possible removal proceedings is also a federal immigration authority.

Subject to the exceptions described in this procedure, protected information may not be shared for the purpose of enforcing federal immigration laws. There may be additional reasons and laws outside of this procedure (e.g. confidentiality laws specific to college programs) that govern why protected information should not be disclosed.

Protected information must be disclosed when a state or federal law, outside of federal immigration law, expressly requires disclosure.

a. Judicial Order

Protected information must be disclosed in the event of a judicial order that directs the college to provide the information. A judicial warrant is a common type of judicial order.

Many forms used by ICE or other federal immigration authorities look very official, but an ICE form is not a judicial order. A judicial order will have the following features:

- A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon); and
- A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate.

By contrast, an ICE form should identify ICE (or DHS) as the issuer of the document, and the signature block on an ICE form will not identify the person who signed it as a judge or magistrate. If you are presented with a document, contact the President's Office.

b. Other Legal Requirements

Under federal law, Clatsop Community College is required to exchange data with federal immigration agencies on the status of international students on F-1, J-1 or M-1 visas through the use of "SEVIS," a government database which is part of the Student and Exchange Visitor Program (SEVP). Information about international students is required to be retained and produced by the college upon request from DHS and ICE. International student information will be disclosed only to the extent required to comply with the requirements of the SEVP program.

Authority to Withhold Citizenship or Immigration Status or Country of Birth Information
Oregon law allows Clatsop Community College to decline to disclose citizenship or immigration status or country of birth information except as required by a judicial order, or as required by state or federal law (other than federal immigration law).



However, employees of Clatsop Community College must disclose citizenship or immigration status or country of birth information if a judicial order, or if some other state or federal law (other than federal immigration law), requires the disclosure.

Citizenship or immigration status or country of birth information is any information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

This procedure does not authorize Clatsop Community College to refuse to disclose citizenship or immigration status or country of birth information to the individual that the information is about, or to that individual's legal guardian. It does not authorize Clatsop Community College to refuse to disclose information that is not individually identifiable.

NEW POLICY 10/25

Provided by OCCA in 10/25 Legal Update

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