

# West Virginia Executive Branch Privacy Policy: **Minimum Necessary and Limited Use**

Issued by: **Sonia Chambers, Chair**  
**West Virginia Health Care Authority**

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## **1.0 PRIVACY PRINCIPLE SUBJECT TO THIS POLICY**

***Minimum Necessary and Limited Use*** – Departments shall limit the collection, and disclosure of personally identifiable information (PII) to their legal authority. Additionally, Departments should only collect or disclose those elements of PII that are reasonably needed to accomplish a legitimate Departmental objective, except where law or public policy directs otherwise.

## **2.0 POLICY STANDARDS**

2.1 Department processes that collect PII (from individuals or from third parties) should collect only those elements of PII that are reasonably needed to accomplish the purpose for which the PII was collected, other related purposes, and other legally-mandated purposes. [For example, the DMV will collect information needed to issue a driver's license, information needed to verify the identity and citizenship of the candidate, and perhaps information required by tax or child support enforcement, if required by law.]

2.2 If a Department wishes to collect more than the minimum necessary, it may do so if (a) the additional disclosure serves a legitimate Department purpose, and (b) the PII is obtained directly from individuals who have been informed that the disclosure is voluntary. [For example, a Department may invite citizens to complete a customer service survey.] Departments cannot require individuals to disclose more PII than is reasonably necessary to achieve the specific purposes.

2.3 Department processes that disclose PII to third parties should only disclose those elements of PII that are reasonably needed by the third party to accomplish the purpose of the disclosure, or as otherwise permitted by law.

2.4 In the event that a member of a Department's workforce has questions about whether a particular collection or disclosure exceeds the minimum necessary standard, the worker should contact the Department's Privacy Officer or designee. Laws may be found in our [Privacy Requirements](#).

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## **3.0 PROCECURE**

Department Review: Each Department shall determine what PII it collects and work with its [Privacy Officer](#) in developing appropriate collection and disclosure procedures in accordance with these West Virginia Executive Branch privacy policies. All new processes that collect or disclose PII shall be evaluated to ensure compliance with this Policy.

## **4.0 ADDITIONAL PRIVACY REQUIREMENTS**

The laws as set forth in the Privacy Requirements document may impose additional requirements upon Executive Branch Departments with respect to the principles of limited use/acceptable use and minimum necessary. To the extent these laws may apply to a given Executive Branch Department, legal counsel should be consulted to determine what may apply and in what manner. These laws should be reviewed in conjunction with other applicable state and federal laws, rules, these policies, as well as Department-specific business practices, contracts, or grants.