West Virginia Executive Branch
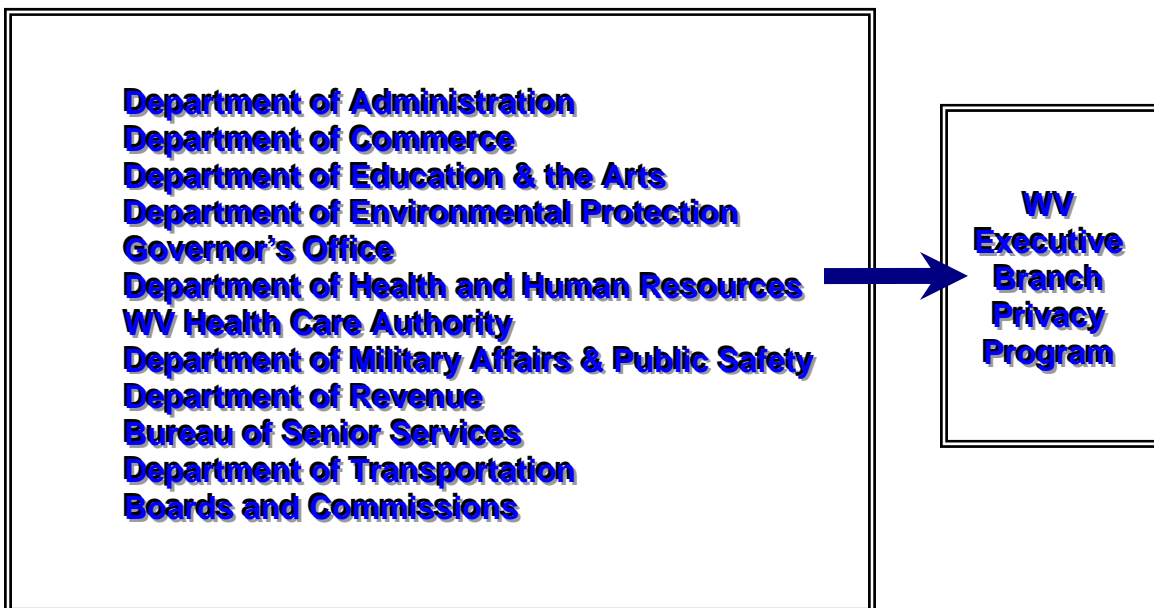# Privacy Program
Strategic Plan
July 2007

West Virginia Executive Branch Privacy Program[i]

On August 16, 2006, Governor Joe Manchin signed Executive Order No. 6-06 giving the Chair of the West Virginia Health Care Authority the responsibility for protecting the privacy of personally identifiable information collected and maintained by Executive Branch agencies. The Chair of the Health Care Authority appointed a Chief Privacy Officer and an Assistant Chief Privacy Officer to carry out the privacy program.
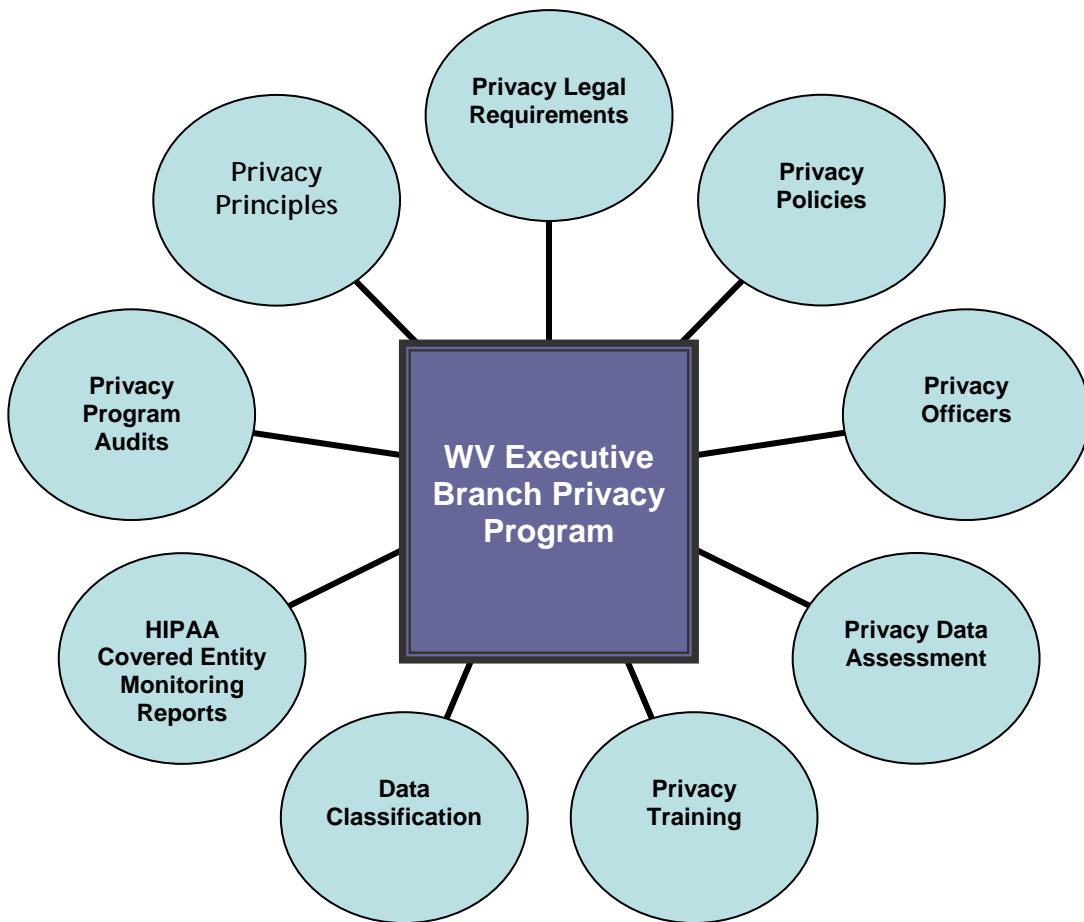
Our Purpose & Scope

An enterprise-wide Privacy Management Team (PMT) was established in September 2005 to promote protection of personally identifiable information while balancing others' need and right to know. The PMT works in collaboration with the Executive Branch Security Team to realize the benefits of information flows within and across agencies, in conformance with privacy policies and laws.   All Executive Branch departments have Privacy Officers participating on the team:

Department of Administration
Department of Commerce
Department of Education & the Arts
Department of Environmental Protection
Governor's Office
Department of Health and Human Resources
WV Health Care Authority
Department of Military Affairs & Public Safety
Department of Revenue
Bureau of Senior Services
Department of Transportation
Boards and Commissions

→ **WV Executive Branch Privacy Program**

Our Vision

Privacy is a core value of our citizens and our government. The Privacy Program's vision is to ensure:

- We implement best practices to protect personally identifiable information entrusted to us.
- We improve data quality and protection to enhance West Virginia state government's position in the world market place.
- We build the value privacy brings to the West Virginia state government trusted brand.

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                  Privacy Legal
                  Requirements

   Privacy                              Privacy
   Principles                           Policies


Privacy                                      Privacy
Program                                      Officers
Audits
                  WV Executive
                  Branch Privacy
                  Program

HIPAA                                       Privacy Data
Covered Entity                              Assessment
Monitoring
Reports

            Data              Privacy
         Classification       Training
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Our Strategic Plan

The following initiatives describe the most recent Executive Branch Privacy Management Team's (PMT) activities, from June 2006 through July 2007, and future strategic goals:

Accomplishments

Initiative 1: Privacy Officer Designation
The Privacy Office worked with each Executive Branch department to name a department level Privacy Officer and established the Privacy Officer's roles and responsibilities, thus establishing a privacy infrastructure across the Executive Branch.

Initiative 2: Enterprise-wide standardized privacy requirements
The Privacy Office monitored all applicable federal and state laws and updated the privacy requirement document. This document provides guidance on privacy practices and policy and will be updated annually.

Initiative 3: Agency monitoring reports
HIPAA Covered Entities within the Executive Branch, submitted reporting to the Privacy Office for implemented privacy programs, with delivery on January 1, 2007. The Covered Entities will submit their reports annually.

Future development

Initiative 4: Privacy Policy Development (2006 - 2007)
Over the past year, the PMT began development of enterprise-wide privacy policies. A draft of these policies is near completion. The PMT anticipates issuing the privacy policies for all Executive Branch departments in the fall.   Each department will be responsible for developing procedures to specify how each policy is implemented.

Initiative 5: Data Assessment (2007)
Over the past year, the PMT researched and built an on-line assessment tool to gather information from each Executive Branch department to identify how personally identifiable information (PII) is collected, shared and disclosed. In addition, each department will identify relevant laws, regulations and rules applicable to their entity. This assessment tool will be piloted in July and rolled out in August. Completion of the assessment tool will reveal to each department and the State Privacy Office, where they need to enhance the privacy program.

Initiative 6: Privacy Training (2006 -2008)
Over the past year, privacy tips and professional development was provided to PMT members. Sources and references for the weekly tips were based on the West Virginia Code, federal laws, employee compliance questions and privacy websites. Professional development opportunities consisted of in-house training seminars,

teleconferences and/or webinars on a variety of Privacy & Security topics. The Privacy Office is developing privacy awareness training for all Executive Branch employees The Privacy Awareness training roll-out is planned for November 2007.

Initiative 7: Data Classification (2007-2008)
The PMT is collaborating with the Information Security Team in defining levels of data classification within the Executive Branch. This classification schema will support information protection and retention programs.

Initiative 8: Privacy Program Audits (2008-2009)
The PMT will develop a process to audit enterprise-wide privacy programs and will develop measures to remediate certain audit findings.

Our Partnerships

In order to provide the privacy protection that the WV Executive Branch and citizens expect the PMT has established key partnerships with the following entities to assist in achieving privacy program goals and objectives:

- **WV Office of the Attorney General:** Several key legal consultants are members of the PMT. Their legal expertise has been beneficial to the growth of the privacy program. They played a significant role in the development, implementation and revisions of WV state government Business Associate Agreements and vendor confidentiality language. As the PMT moves forward in the development of the privacy policies, they will continue to provide legal expertise and agency specific business operational guidance.

- **WV State Auditor's Office:** The State Auditor's office has been an invaluable resource, as well as a supporter of privacy "best practices."

- **WV Purchasing Division:** The PMT worked with the WV Purchasing Division in the development of vendor confidentiality language and inclusion in all purchasing vendor documentation.

- **WV Division of Personnel:** The PMT is working with training consultants to develop a comprehensive privacy awareness training program for all Executive Branch employees. In addition, they will assist with developing management and privacy official specific training on their roles and responsibilities.

Our Privacy Principles

The Privacy Program is based upon the following six principles, consistent with law and policy:

- *Accountability* – assigned roles and responsibilities to assure application of privacy principles to PII.
- *Notice* – openness regarding the authority for collecting PII; the purpose of the collection; the location of the entity maintaining the PII; with whom the PII may be shared and why; rights an individual has in PII; and the entity's policies, procedures, standards, and practices with regard to PII.
- *Minimum Necessary and Limited Use* – collection, use and disclosure of PII should be limited to the entity's legal authority and purpose, as set forth in an entity's Notice, and minimum necessary PII the entity needs to perform the defined legally permitted task.
- *Consent and Authorization* – an entity's collection of PII should be contingent upon first obtaining an individual's consent to collection. An entity does not collect, use, or disclose PII in a manner inconsistent with its Notice, unless it has first obtained the individual's permission for the use or disclosure.
- *Individual Rights/Individual Participation* – when possible, an entity relies first on the PII it collects directly from the individual. An individual should be afforded the ability to access and copy the PII an entity acquired or maintains, request an amendment of the information an entity maintains and, if such amendment is not undertaken, request that the information be notated.   Entities shall provide appropriate means of individual redress which includes, at a minimum, institutional mechanisms to ensure that consumers have a simple and effective way to have their concerns addressed.
- *Security Safeguards* – an entity implements the appropriate management, operational and technical controls to preserve the privacy, confidentiality, integrity and availability of PII.

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[i] The 2007 Annual Report supersedes the existing Privacy Team Charter.

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