

West Virginia Executive Branch Privacy Policy: **Accountability**

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

Policy No: WVEB-P101 Issue Date: 1.30.09 Effective Date: 8.1.09 Rev. Date: 4.1.12 Page 1 of 4

1.0 PRIVACY PRINCIPLE SUBJECT TO THIS POLICY

Accountability – Each Department shall assign roles and responsibilities to ensure application of Privacy principles to Personally Identifiable Information (PII).

Any terms not defined herein shall have the definitions afforded them within the [Privacy Policy Definitions](#) currently located at www.privacy.wv.gov.

2.0 POLICY STANDARDS

- 2.1 Each Department is responsible for maintaining the Privacy of Personally Identifiable Information (PII) that it creates, collects, uses, discloses, retains or destroys within its possession or custody to the extent required by law or policy. Each Cabinet Secretary or Department head shall designate a Privacy Officer who is accountable to the Cabinet Secretary or Department head, the Chief Privacy Officer, and the Privacy Management Team (PMT), to ensure the application of the Privacy policies to PII, develop or standardize processes and procedures and provide training.
- 2.2 Training: Each Department Privacy Officer will work with the PMT and his or her Department to develop procedures that ensure each Department's Workforce, Vendors, and all other individuals performing functions on behalf of the Department receive appropriate training and education regarding Privacy laws, regulations, policies, standards, and procedures governing the Department's handling of PII.
- a) New members of the Workforce will receive training as part of orientation to their jobs within a reasonable time upon employment or engagement.
 - b) All members of the Workforce will receive additional training as policies, standards, or procedures are changed, to the extent that the changes affect their jobs.
 - c) All members of the Workforce will receive additional training on a biennial basis.
 - d) Ongoing attendance at training sessions will be documented to demonstrate that each member of the Workforce has received training in accordance with this standard.

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- e) The training program will also include ongoing periodic Privacy and Security awareness.
 - f) The PMT shall establish formal metrics for evaluating effectiveness, reliability, validity and develop a process for the evaluation.
 - g) By contract, Vendors shall be responsible for providing appropriate training to their Workforce.
- 2.3 Confidentiality Agreements: Each Department shall ensure that all members of its Workforce sign an appropriate Confidentiality Agreement upon hire and as otherwise required by law, policy or procedure, whichever is more restrictive. Each Department shall execute a contract with each of its Vendors that includes appropriate Confidentiality requirements.
- 2.4 Sanctions: Each Department shall apply appropriate sanctions against members of its Workforce, Vendors, and all other individuals performing functions on behalf of the Department, who fail to comply with the Privacy policies and procedures. If it is determined that a violation of a Privacy policy has occurred by a member of the Workforce, the Department's supervisory personnel may take disciplinary measures upon receipt of information and consultation with the Department Privacy Officer, including, but not limited to, verbal and written warnings, retraining where appropriate, suspension, demotion, dismissal, and any other Department-specific disciplinary procedures. To the extent applicable, Department disciplinary procedures shall be consistent with the Division of Personnel discipline guidelines. If it is determined that a violation of a Privacy policy has occurred by a Vendor, the Department may terminate the contract or other relationship.
- 2.5 Incident Reports: The State Privacy Office, Department Privacy Officers, other designated individual(s) and the Office of Technology Service Desk shall receive and respond to reports regarding the Privacy or Security of PII. All such reports shall be investigated. If a report is substantiated through the internal or external report review process, the Department shall respond with appropriate measures, including, if necessary, amending its procedures and practices and retraining. The PMT shall establish a formal reporting and investigation procedure that is consistent with the Office of Technology's response and procedures.
- 2.6 Incident Response: Each Department Privacy Officer will work with and assist the Cabinet Secretary or Department head, Director of Information Security, the Chief

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Technology Officer and the Chief Privacy Officer to develop an appropriate response to Privacy-related breaches or Incidents that threaten the Confidentiality, Integrity, and Availability of information assets, information systems, and the networks that deliver the information. Privacy and Security Incident response priorities and procedures should be defined consistently with the Office of Technology's policies.

- 2.7 Incident Notification: Departments that collect, use and disclose PII will notify individuals affected by a Privacy Incident (1) when required by law, policy or procedure, or (2) even if no legal obligation exists, if the Cabinet Secretary or Department head determines that notification shall occur. If a Privacy Incident occurs within a Department or as a result of a third party that is under contract with a Department, it must be reported to the Department's Privacy Officer, who will be primarily responsible for assessing the Privacy Incident, communicating with other appropriate officials, including the Chief Privacy Officer, as to the appropriate response and determining if notification is required. The final decision regarding notification shall be made in conformance with Incident response procedures.
- 2.8 Compliance: Each Department Privacy Officer shall work in conjunction with information security personnel and other designated individual(s) to develop Compliance processes to monitor and ensure conformity with policies and procedures regarding safeguarding information and to offer a mechanism by which staff can address Privacy concerns.

3.0 PROCEDURE

Each Cabinet Secretary or Department head shall designate a Privacy Officer who participates on the PMT and who is accountable for integrating Executive Branch Privacy policies into Department procedure, practice, Workforce training, Incident response, resolution and Privacy audit.

- 3.1.1 The individual with primary Privacy responsibility for the Department will be designated as the Privacy Officer. If the Department has multiple bureaus agencies or divisions, the Cabinet Secretary or Department head will set up an infrastructure of Privacy Coordinators or entity-level Privacy Officers, where required by law, who report to the Department Privacy Officer.

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3.1.2 The Privacy Officer is accountable for the Department's conformity with the Privacy principles, policies and Department procedures. Other individuals within the Department or agency may be responsible for the day-to-day collection and processing of PII.

4.0 PRIVACY REQUIREMENTS

Federal and State Laws may impose additional requirements upon Executive Branch Departments with respect to the principle of accountability. 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. Laws may be found in our [Privacy Requirements](http://www.privacy.wv.gov) located at www.privacy.wv.gov.