

West Virginia Executive Branch Privacy Policies

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

Policy No: WVEB-P100 Issue Date: 01/15/09 Effective Date: 08/01/09 Rev.Date: Page 1 of 2

1.0 BACKGROUND

On August 16, 2006, Governor Joe Manchin signed Executive Order No. 6-06 giving the West Virginia Health Care Authority Chair the responsibility for protecting the privacy of personally identifiable information collected and maintained by the Executive Branch agencies. The Health Care Authority Chair is the authorized chair of the Privacy Management Team, which was established in September 2005, and delegated her authority to the Chief Privacy Officer. The Privacy Management Team works in collaboration with the Executive Branch Security Team to create an Executive Branch Privacy Program which will realize the benefits of information flows within and across agencies, while protecting personally identifiable information (PII) as required by state and federal law and policy.

2.0 PRINCIPLES

The Chair, upon recommendations from the Chief Privacy Officer and the Privacy Management Team, is issuing a set of six new policies, that shall be effective August 1, 2009. These policies represent the threshold level of privacy across all Departments. The Principles identified below are hereby re-issued to be consistent with the six new policies. The principles identified below, and as explained in their linked policies, form the baseline for the Executive Branch Privacy Program.

- Accountability
- Notice
- Minimum Necessary and Limited Use
- Consent
- Individual Rights
- Security Safeguards

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3.0 RESPONSIBILITY

All Executive Branch departments are required to have privacy officers who oversee the development and implementation of the State's privacy program throughout the State's numerous agencies. The privacy officers are responsible for ensuring compliance with the privacy principles and policies. These policies apply to all Executive Branch Departments¹ (including its subdivisions, bureaus, agencies, boards, commissions, councils, offices and other similarly situated entities), employees, contracted personnel, vendors and all other individuals performing functions on behalf of the Department.

4.0 PROCEDURE

Departments shall develop procedures where necessary and appropriate to reflect inclusion of relevant Privacy Requirements or desire for enhanced privacy protections.

5.0 ENFORCEMENT

Department Management is responsible for the periodic auditing and reporting of compliance with these policies and the procedures developed to implement these policies. Exceptions to these policies must be authorized by the Chief Privacy Officer whenever PII is implicated.

Violations of these policies may result in disciplinary action that may include termination for employees and temporaries; termination of relationship in the case of contractors and consultants; and dismissal for interns and volunteers. Additionally, individuals are subject to loss of access privileges, as well as civil and criminal prosecution when appropriate.

Any employee may, at any time, anonymously report policy violations via Department's Intranet, by telephone, or by mail.

¹ Department: A major division of the executive branch of state government that is responsible for administering a specific program area. As used in this report, a department includes its subdivision, bureaus, agencies, boards, commissions, councils, offices and other similarly situated entities.