STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

CHARLESTON

EXECUTIVE ORDER NO. 6-06

By the Governor

WHEREAS, the privacy of personal information collected, used, disclosed and maintained by the State of West Virginia is of the utmost importance to the citizens of West Virginia; and

WHEREAS, the Internet has created opportunities for criminals to access public and private records for such illegal purposes as cyber-vandalism, identify theft, and extortion; and

WHEREAS, identity theft and other privacy violations highlight the need for the protection of certain kinds of information, including information now known as "personally identifiable information" (PII); and

WHEREAS, the United States Congress has enacted laws protecting the privacy of citizens' PII, including the Privacy Act of 1974, Public Law 93-579, the CAN-SPAM Act of 2003, Public Law 108-187, and the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; and

WHEREAS, pursuant to West Virginia Code § 5A-6-4, the Chief Technology Officer is responsible for providing appropriate limitations on access to information and ensuring the security of information for all State spending units; and

WHEREAS, pursuant to Executive Order No. 7-03, the Privacy Management Team was formed to develop privacy protections for state government; and

WHEREAS, pursuant to Executive Order No. 7-03, the Chair of the West Virginia Health Care Authority serves as chair of the Privacy Management Team; and

WHEREAS, citizens are increasingly aware of the various risks associated with the improper and unlawful disclosure of financial, medical or other protected information, and are raising expectations for governments that store confidential information to protect that data from accidental or inappropriate use and disclosure; and

WHEREAS, in the increasingly interconnected global marketplace, it is imperative that the State assist local, national and global businesses in protecting the privacy of their West Virginia customers; and

WHEREAS, it is crucial to reinforce trust and improve customer service and accountability by implementing appropriate safeguards to protect the rights of all to privacy and security;

NOW THEREFORE I, JOE MANCHIN III, pursuant to the authority vested in me as the Governor of West Virginia, do hereby **ORDER** that:

1. Executive Order No. 7-03 is hereby rescinded and superseded.
2. The Chair of the West Virginia Health Care Authority ("HCA Chair)" shall be responsible for protecting the privacy of confidential and personally identifiable information collected and maintained by Executive Branch agencies.
3. The Chief Technology Officer ("CTO") shall be responsible for information security for all Executive Branch agencies.
4. The HCA Chair is hereby empowered to develop a Privacy Program and to:

a. Create and maintain a Privacy Team comprised of representatives from all Executive Branch department-level organizations, with appropriate staff support, management and leadership;

b. Issue privacy policies applicable to all Executive Branch department-level organizations;

c. Develop and implement a data classification scheme applicable to all Executive Branch department-level organizations;

d. Conduct audits of privacy programs; and

e. Develop measures that may be implemented to remediate certain audit findings.

5. The CTO is hereby empowered to develop an Information Security Program and to:

a. Create and maintain an Information Security Team comprised of representatives from all Executive Branch department-level organizations, with appropriate staff support, management and leadership;

b. Issue information security policies applicable to all Executive Branch department-level organizations;

c. Develop and implement a data classification scheme applicable to all Executive Branch department-level organizations;

d. Conduct audits of information security programs; and

e. Develop measures that may be implemented to remediate certain audit findings.

6. The Privacy Program shall balance individuals' right of privacy against others' need and right of access to confidential and personally identifiable information. The HCA Chair shall develop and submit to the Governor a set of Privacy Principles that shall guide the Privacy Program in its work.

7. The CTO shall develop and submit to the Governor a set of Information Security Principles that shall guide the Information Security Program in its work.

8. The HCA Chair and the CTO shall deliver an annual joint report to the Governor regarding the Privacy and Information Security Programs beginning the first day of July, Two Thousand Seven.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol, in the City of Charleston, State of West Virginia, this sixteenth day of August, in the year of our Lord, Two Thousand Six, and in the One Hundred Forty-Fourth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE