



EXECUTIVE BRANCH PRIVACY MANAGEMENT TEAM MEETING NOTES November 12, 2019

In attendance: Berkley Bentley, Debe Browning, Neil Chakrabarty, Susan Daniel, Jill Dunn, Anna Faulkner, Sue Haga, Melissa Hapney, Alex Jalso, Jennelle Jones, Rebecca McDonald, Steve Meester, Tom Miller, Sue Painter, Misty Peal, Jennifer Pierson, Allen Prunty, Angie Richardson, Jennifer Rutherford, Annamarie Short, Chris Snyder, Tony Stewart, Ashley Summitt, Lori Tarr, Claire Winterholler.

Guest speaker: Adam Poe - Pullen, Fowler, Flanigan, Brown and Poe

1. Welcome

2. HIPAA Preemption Analysis and WV Privacy Requirements – Adam Poe from Pullen, Fowler, Flanigan, Brown and Poe (Slides attached)

Adam presented an overview of the 2019 HIPAA Preemption Analysis and the 2019 WV Privacy Requirements. These documents contain updates to federal and state laws that impact HIPAA-covered entities and privacy. These will be available on the Privacy Office website soon.

3. Data Privacy Day – January 28, 2020 (Handout attached)

Ashley informed the team about the Data Privacy Day training on January 28th at Building 7. It will be a full day training with lunch provided. The topic will be Payment Card Industry-Data Security Standard (PCI-DSS) Compliance. See the attached handout for more information.

4. Applying the “Minimum Necessary” Principle to Procuring IT Resources – Tom Miller, Dept. of Administration (Slides attached)

Tom shared his presentation regarding the process of procuring IT upgrades, applications and hardware. Those involved in the procurement process must beware of disclosing information about state systems in an RFQ or RFP that could leave them vulnerable.

5. CISO Update

The CISO, Danielle Cox, was unable to attend due to work-related issues.

6. Review of Privacy Principles, Policies, and Responsibilities – Notice Policy, Security Policy and Redaction Procedure (Slides attached)

Lori reviewed the final two policies today – Notice and Security Safeguards, and the Redaction Procedure.

The Department’s privacy notice should inform the authority for collecting PII, the purpose of collection, who the PII is shared with and why, the rights the individual has in providing and accessing their information. Departments should review the privacy notices they have on their websites. Many only link to the wv.gov website privacy notice. If it does not address the department’s data collection, use and disclosure, a more detailed notice is needed.

Security Safeguards addresses not only electronic security, but the physical security of paper documents, and protecting access to these items by the public. It also requires compliance with OT's policies of Data Classification and Information Security.

The Redaction Procedure only concerns paper documents. The redaction of documents should be such that it cannot be reversed. Make certain that redacted paper documents are reviewed before disclosure. Electronic redaction will be addressed in new training to come soon. These policies are found on the Privacy Office website www.privacy.wv.gov. Click on the "Privacy Policies" tab.

7. Privacy Officer Roundtable

At the September meeting, we discussed the Individual Rights Policy and the Limited Use and Minimum Necessary Policy. The issues discussed are on the attached summary. If you have any questions or additional comments, please contact Ashley.

One of the roundtable discussions focused on an individual's access to their own information that a department collects. Two of the privacy policies, Individual Rights and Notice both address this.

Also discussed was the "mosaic effect", which is the combining of data from multiple datasets, possibly making de-identified data identify an individual. Big data companies are mining these datasets to target individuals for marketing, surveys, etc.

8. News of Note (Handout attached)

Lori Tarr highlighted several articles from the handout including credit card hacking, a brokerage firm fined \$500,000 for security failures, and OCR penalties for failure to encrypt mobile devices and a \$2.15 million fine for a health system for years of privacy and security violations.

9. 2020 PMT Meeting Schedule (Handout attached)

Please review the attached document. The calendar appointments for these dates will be sent out the first week of December.

Please remember that these dates could change due to scheduling conflicts. You will be notified in advance if this occurs.

JOIN US JANUARY 28, 2020 FOR DATA PRIVACY DAY!!