

5.27 AHS Data Broker Policy

Policy Information

Revision Date:

Revision Number:

Attachments/Related Documents:

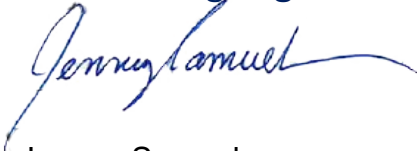
Effective Date: 4/15/23

none

Trauma Informed Review

Racial Equity Review

Authorizing Signature:



Jenney Samuelson,
Agency of Human Services Secretary

Policy Statement:

This policy addresses the acceptable use of Data Broker services and handling of the resulting Broker Reports within the Agency of Human Services (“AHS” or the “Agency”).

This policy describes the process by which AHS employees may obtain licenses to use Data Broker services, the guidelines and expectations for the use of Data Broker services, and the requirements for accessing, storing, and safeguarding Personally Identifiable Information (PII) provided by Data Brokers in compliance with AHS’ contractual, legal, and policy obligations.

Background:

The use of Data Broker services helps to ensure that AHS conducts its business in a way that is fair, responsible, accurate, and efficient. Various departments and units within the Agency are permitted or required to access Brokered PII to gather or verify information needed to inform its decision making and support its official actions, such as maintaining contact with the individuals it serves, assisting in the collection of child support, helping to protect vulnerable individuals and populations, and helping to detect and prevent fraud, waste, and abuse of public benefits.

The collection of Brokered PII is governed by the state and federal rules, laws, and policies applicable to the programs administered by the staff accessing Data Broker services as well as other rules, laws, and policies that apply generally to all AHS staff including, but not limited to:

- The terms of use of AHS’ Data Broker Contract and licenses thereunder;
- The Federal Standards for the Privacy and Security of Individually Identifiable Health Information, at 45 CFR Parts 160 and 164, promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”);

- 9 V.S.A. § 2431: Acquisition of Brokered Personal Information; Prohibitions;
- 9 V.S.A. § 2435: Notice of Security Breaches;
- AHS Policy 5.25: Information Security Personnel Policy;
- 1 V.S.A. §§ 315-320: Vermont Public Records Act; and
- DHR Policy 11.7: Electronic Communications and Internet Use.

AHS staff must ensure that Data Broker services and the highly sensitive data they make available are not improperly accessed, as this could result in serious harm to the privacy, safety, and livelihoods of members of the public.

Because of the specific requirements of AHS' contract with its Data Broker, the sensitive nature of the data collected, and the potentially serious consequences of the misuse of this service and the data provided, the Agency has developed this policy in order to control and monitor staff access to Data Broker services and specify the protocols for storage and safeguarding of Broker-Acquired Data.

Definitions:

For the purposes of this policy:

Data Broker means the vendor hired by AHS to provide access to personal information of individuals it collects and sells in the course of its business.

Broker Report means the record that is directly created or received by the Agency containing personal information requested or otherwise obtained under AHS' Data Broker contract.

Scope:

This policy applies to all AHS staff who utilize Data Broker services within all Agency departments, divisions, and offices. It also applies generally to the departments within the Agency.

Roles and Responsibilities:

Agency Central Office

The AHS Contracting Office is responsible for the administration of AHS' Data Broker contract. This includes procurement of services, managing all subscription licenses, including login credentials and passwords for all AHS staff, and providing support as necessary for departments.

AHS Departments

Each department shall develop departmental policy and procedures regarding the use of data broker services, to include terms that:

- Prohibit the procurement of Data Broker services outside the contract obtained by the AHS Contracting Office;
- Restrict the use of Data Broker services to staff with an identified need;

- Ensure that Data Broker access credentials and passwords are made available only to a single staff member and are not shared with and/or used by anyone other than the assigned staff member;
- Ensure that information accessed through Data Broker services is commensurate with identified need(s);
- If required under applicable law, ensure that information is accessed through Data Broker services with written consent of the individual;
- Prior to obtaining any PII from a Data Broker, ensure the department has identified valid exemptions under the Public Records Act to prevent such PII from being released in response to Public Records Act request;
- Ensure that Broker Reports that are saved and/or downloaded and any documents containing PII obtained from Data Brokers are stored securely on department data systems;
- Ensure, to the greatest extent practicable, that Broker Reports are not duplicated or reproduced through email or other correspondence in their entirety;
- Ensure, to the greatest extent practicable, that only those portions of Broker Reports that are required to satisfy the programmatic needs of the department are included in the departments non-transitory operational records;
- Promptly and securely destroy all transitory Broker Reports and other transitory documents containing PII obtained from Data Brokers when no longer needed;
- Provide training in the use of Data Broker services to all employees who will use the service;
- Coordinate with the AHS Contracting Office to ensure that management within the department monitor the use of Data Broker services by department staff on no less than a quarterly basis and maintain records of these audits;
- Immediately inform the AHS Contracting Office when an employee no longer needs a subscription; and
- Immediately inform the AHS Contracting Office if a data broker subscription has been inappropriately accessed or a resulting record has not been adequately secured.

AHS Staff

All AHS staff are responsible for taking appropriate measures to protect the confidentiality, integrity, and security of information obtained from Data Brokers, and to comply with the applicable terms of the AHS Data Broker Contract as well as all applicable laws and regulations related to data privacy and security, including but not limited to the obligations listed below:

- Use Data Broker Services only for legitimate Agency purposes, such as conducting background checks for employment or licensing purposes, verifying identity or credentials of individuals or businesses, investigating potential fraud or other criminal activity, conducting research or analysis related to my department's mission, or obtaining marketing information to promote AHS programs or services;

- Ensure that the information obtained from the Data Broker is relevant and necessary for the staff member’s job duties;
- Stop using Data Broker services if you become aware that the broker's collection and/or use of information does not comply with applicable laws and regulations, including data privacy and security laws;
- Do not use Data Broker services for any purpose that violates AHS policy or state or federal laws, including personal use, including stalking or harassment, unlawful discrimination, unlawful surveillance or tracking of individuals, identity theft or other fraudulent activities, or unauthorized access to confidential or sensitive information;
- Take appropriate measures to protect the confidentiality, integrity, and security of information obtained from Data Brokers, including following the training or informational materials provided by the staff member’s department;
- Understand that violation of this policy or the staff member’s corresponding department policy may result in disciplinary action under the authorities listed in this policy, up to and including termination of employment.

References:

Document Review and Revision Control

Version	Review Date	Author/Reviewer	Description
1.0			

Appendix:

None.