

# People First Team

## Procedures and Guidelines for handling Confidential and or Exempt Information

### AUTHORITY

Florida Statutes

Chapter 119, F.S. – Public Records

Chapter 257, F.S. – Public Libraries

Florida Administrative Code

1B-24 – Public Records Scheduling and Dispositioning

1B-26 – Records Management and Microfilm

1B-26.003 – Electronic Recordkeeping

DMS Policy – Administration – 98-106 - Records Management

DMS Policy – Administration – 94-102 – Public Records Requests

DMS Policy – HR – 06-110 – Misuse of Information and Data

DMS Policy – HR – 05-107 – Background Investigations & Fingerprinting Requirements

### Reference Documents:

DMS People First Data Security Guidelines Manual

Public Records Request Policy

E-Mail Security Requirements message dated August 15, 2008

E-Mail Exemption to 119 Requests for Employee Social Security Numbers message dated July 21, 2006

## Guidelines

### ❖ **Statement of purpose before collection of Social Security Numbers (SSN)**

❖ The People First Team does not collect or request Social Security Numbers.

❖ We will provide safe storage in a secure location for any social security numbers received during the course of conducting business. In the event these documents are part of a public records request, they will be processed in accordance with departmental procedures.

❖

### **1. Securing Social Security Numbers**

Individual Social Security Numbers which have been lawfully collected and held by the People First Team is confidential and exempt from public inspection. Each program area within DMS must establish a procedure which complies with Section 119.071(5), F.S.

### **2. Reporting of Commercial Requests**

Pursuant to Section 119.071(5), F.S., DMS may not deny a commercial entity access to SSNs for commercial activities as long as the entity makes a written request that explains how the SSNs will be used in the performance of the commercial activities.

### ❖ **Communication of Departmental Procedures**

It is important that key management personnel of each budget entity be made aware of the team's procedures regarding the protection of confidential and or exempt information. Making key management personnel aware of these procedures and applicable state and Federal laws and rules and policies regarding the protection of confidential and or exempt information is handled through e-mail and scheduled staff meetings.

### ❖ **Procedures and Standard Documents**

In order to maintain maximum utility, the People First Team will regularly review and update procedures and standard documents for changes in laws, management objectives, and advances in technology. In addition, special effort needs to be made to better safeguard confidential and or exempt information by enhancing operating procedures and standard documents.

The People First Team reviews on a regular basis its procedures and standard documents to ensure that confidential and or exempt information is only collected and used to the extent necessary for the performance of the Team's duties and responsibilities.

### ❖ **Physical Security**

In order to prevent unauthorized access to records containing confidential and or exempt information, the People First Team has documented and enhanced its procedures to ensure that such information is secured behind locked doors or safe filing cabinets when such documents are not in use.

The People First Team has identified Rooms 220 and 235 which will be designated as secured area(s). This procedure is in compliance with the Department's Administration Policy 94-102 and Human Resource Policy 06-110.

The proposed procedure is as follows:

1. Identify secure areas.
2. Ensure that sensitive data is kept within the secured area for storage when such documents are not in use.
3. Ensure that employees comply with established protection and control procedures and protect information and data being used.

The People First Team has existing procedures that include the following:

1. A requirement that employees secure the confidential and or exempt documents behind locked doors or in locked cabinets after work hours or when not in use for extended periods of time during the work day.
2. All documents are to be shredded or placed in the secure recycle box.
3. Workstations are to be locked when an employee is not at their desk.

Examples of sensitive documents are:

1. All Social Security Numbers
2. Examination answers and question sheets for the purpose of licensure (F.S. § 119.071)
3. Certain financial records, including any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. (F.S. § 119.071(1)(c))
4. Medical and insurance records (HIPPA)
5. Certain employees' home addresses, telephone numbers, and photos (F.S. § 119.071)
6. Procurement documents and bids before the vendor is chosen and the decision is posted. This includes sealed bids, proposals, rejected bids or proposals, meetings of negotiations, and all responses. (F.S. §119.071)
7. Risk management claims file or meeting minutes relating to claims (F.S. § 768.28)
8. Discussion and all work products of collective bargaining (F.S. § 447.307(2))
9. Personally Identifying Information concerning participants in the Public Employee Retirement Program ( F.S. § 121.4501 (19))
10. Driver's License Photos are to be redacted unless there's a government purpose as specified under F.S. § 322.142 (4).
11. Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. (F.S. § 119.071(5)(b))
12. A security system plan or portion thereof as well as building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

13. If a document is marked Trade Secret, Confidential or Proprietary, this needs to be addressed by the Office of the General Counsel. In accordance with Florida Statute 815.045, the legislature found that trade secret information as defined in s. 815.04(3) is expressly confidential and exempt because it can be a felony to disclose such records.

Please note that this list is not meant to be all inclusive but should cover most of the public records which are considered confidential and or exempt. When an issue is presented with regard to trade secret information, or any document requested is marked trade secret or confidential by a vendor, contact the Office of the General Counsel. The confidential and or exempt information should only be available to “positions of special trust” which is addressed in this document.

#### ❖ Access Controls

The objective of security controls is to protect the integrity, confidentiality, and availability of information systems data and resources. Effective security controls include access controls that ensure users have only access privileges needed to perform their duties, access to sensitive resources is limited to authorized users, and users are restricted from performing incompatible functions.

The People First Team has written procedures for requesting, approving, assigning, monitoring, and removing user access privileges. User access authorization forms are retained by the supervisor.

#### ❖ Positions of Special Trust

The handling of confidential and or exempt information should be performed by individuals in positions within the People First Team who are designated as “Positions of Special Trust”.

The People First Team is in compliance with DMS Policy Number HR 05-107 (Background Investigations & Fingerprinting Requirements) for designating positions that, because of special trust, responsibility, or sensitive location, requires persons occupying the positions to be subject to a level 2 screening as a condition of employment. As a condition of employment, staff is required to sign an acknowledgement form that they are aware of, and agree to the requirements of the policy. The People First Team has designated the following positions for this purpose:

PSN	CLASS TITLE
002358	PEOPLE FIRST PROJECT ADMINISTRATOR-DMS
002366	HUMAN RESOURCE CONSULTANT -SES
002477	STAFF ASSISTANT - SES
002350	SENIOR MANAGEMENT ANALYST II - SES
003705	HUMAN RESOURCE CONSULTANT -SES
002385	HUMAN RESOURCE CONSULTANT -SES
002395	HUMAN RESOURCE CONSULTANT -SES
002324	HUMAN RESOURCE CONSULTANT -SES
002594	SYSTEMS PROJECT ANALYST - SES
002332	SENIOR MANAGEMENT ANALYST II - SES
002345	HUMAN RESOURCE CONSULTANT -SES
002341	SYSTEMS PROJECT ADMINISTRATOR - SES

003036 SENIOR MANAGEMENT ANALYST II - SES  
002697 HUMAN RESOURCE CONSULTANT -SES  
002401 SENIOR MANAGEMENT ANALYST SUPV - SES  
002381 HUMAN RESOURCE CONSULTANT -SES  
002649 HUMAN RESOURCE CONSULTANT -SES  
003106 SENIOR MANAGEMENT ANALYST II - SES

## RESPONSIBILITIES

The program areas within the Department are responsible for creating/updating and or modifying their existing procedures to ensure that the issues referenced in the above mentioned are adhered to. Please note that the majority of the contents of this document are a result of the findings in the Auditor General's Report No. 2009-078 (Operational Audit).