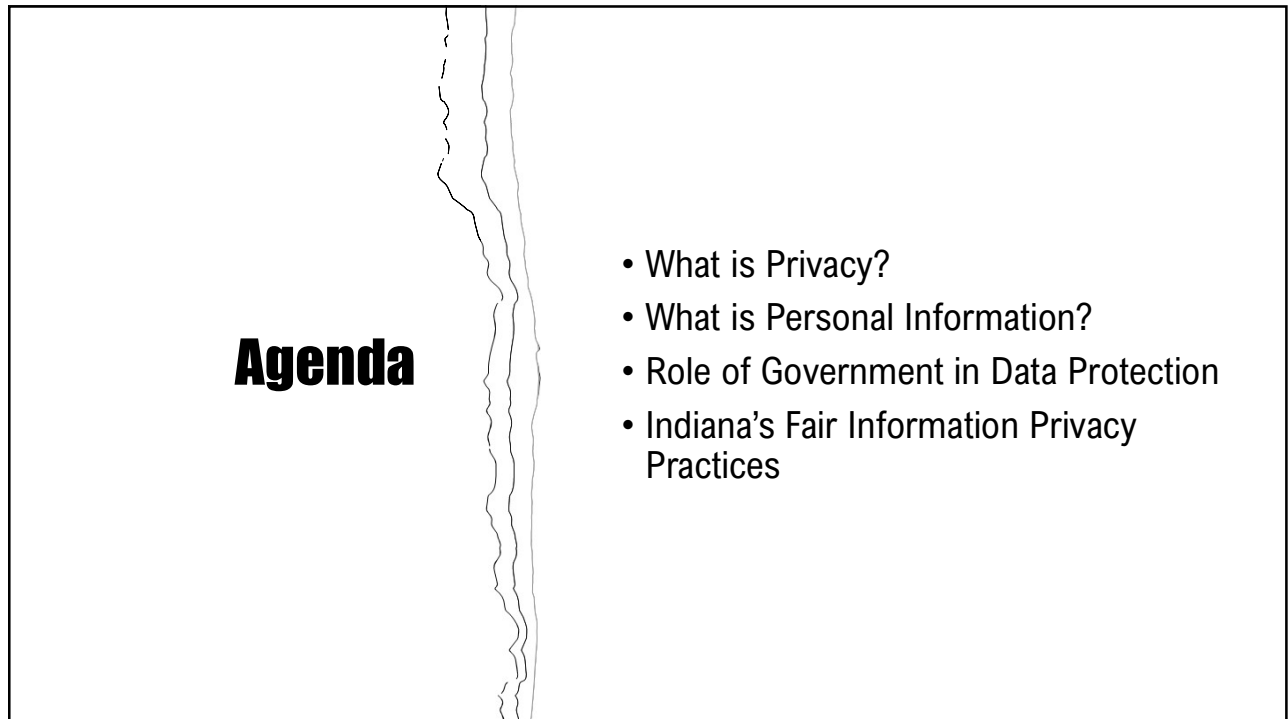


Data Protection & Indiana's Fair Information Privacy Practices

Jillean Long Battle
Office of the Attorney General
State Board of Accounts Conference
October 20, 2021

1



Agenda

- What is Privacy?
- What is Personal Information?
- Role of Government in Data Protection
- Indiana's Fair Information Privacy Practices

2



What is Privacy ?

Privacy v. Security

3

What is Personal Information?

4

IC 4-1-6-1-2

- “Any information”
- ”that describes, locates, or indexes”
- “an individual”
- ”or infers personal characteristics about an individual”

including ”the individual’s education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or the individual’s presence, registration, or membership in an organization...”

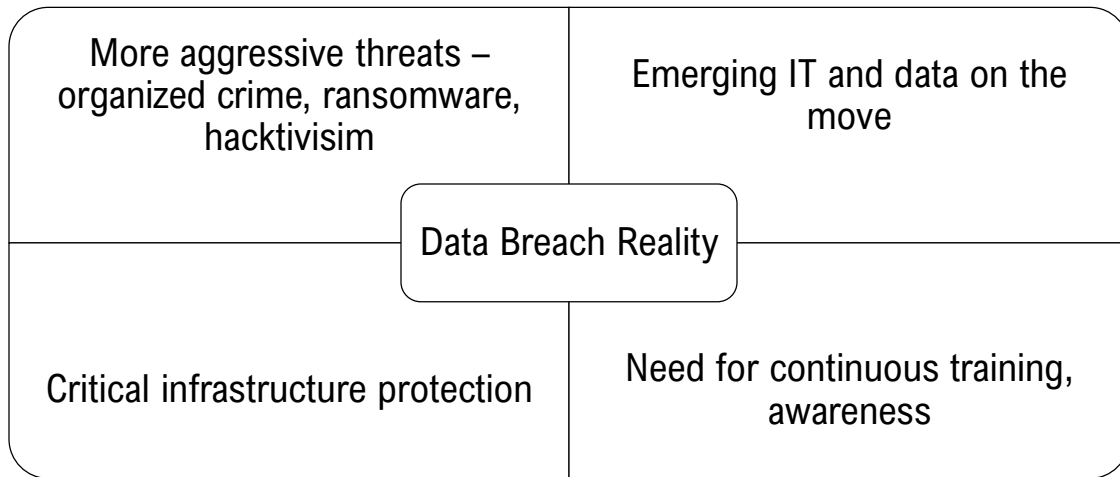
5

Role of Government in Data Protection

Understanding the Current Cybersecurity Landscape

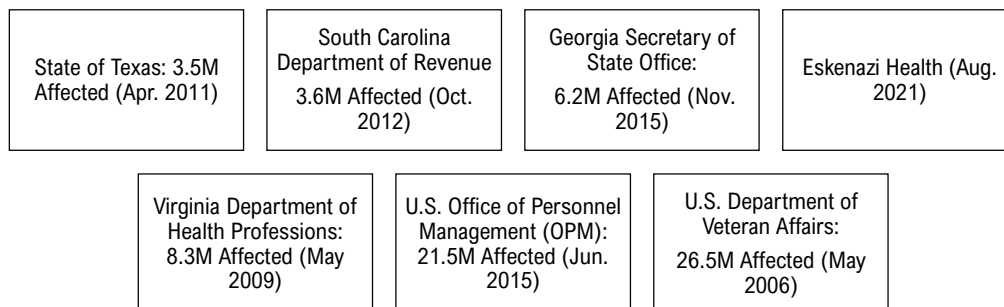
6

Personal Information is now one of the most valuable commodities

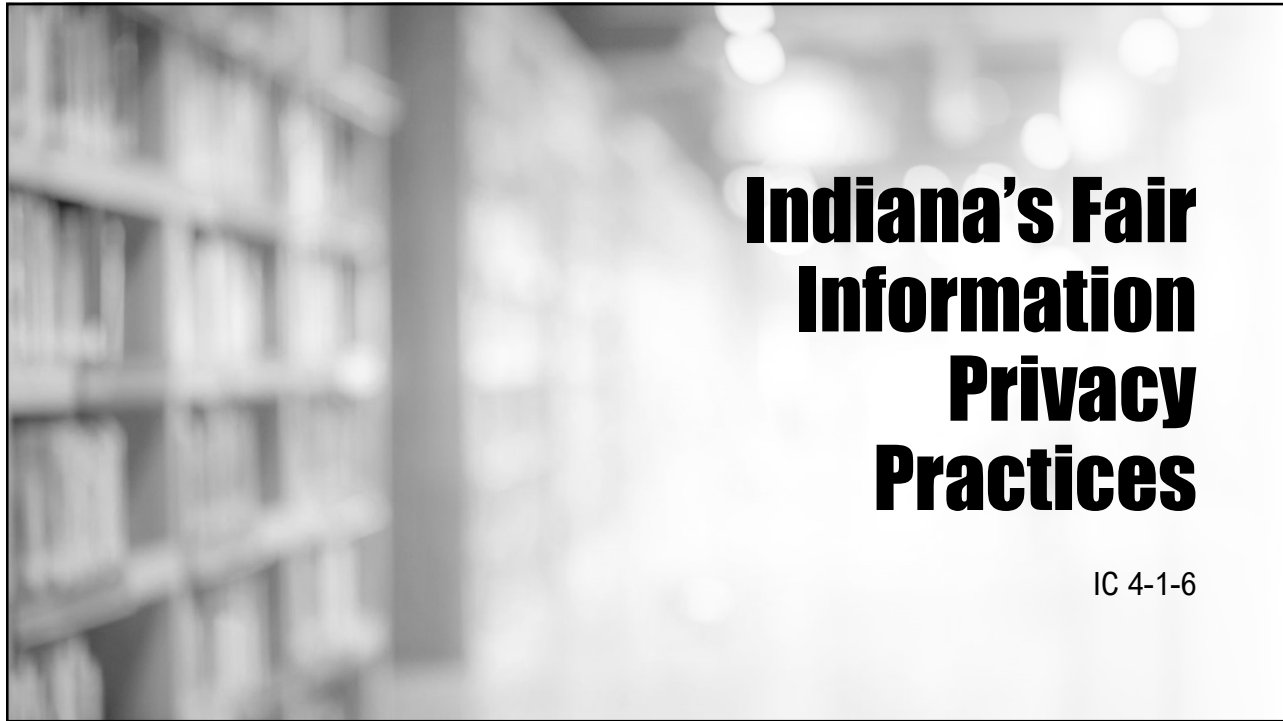


7

Government is an attractive target – Massive amounts of data



8



9

Data Minimalization	<ul style="list-style-type: none">• Collect, maintain, and use only Personal Information that is relevant and necessary to accomplish statutory purpose
----------------------------	---

10

Security

- To the extent possible, separate confidential Personal Information from public information
- Establish confidentiality requirements & appropriate access controls for all categories of Personal Information maintained
- Establish appropriate administrative, technical and physical safeguards to insecurity of the information system.
- Maintain a complete an accurate record of regular access to Personal Information not considered public record.

11

Data Sharing

- Exchange of information with other agencies is authorized by law and a rule promulgated pursuant to 4-22-2
- Data subject would reasonably expect to benefit from the action for which the information is being requested
- The exchange of information would eliminate an unnecessary and expensive duplication in data collection and would not adversely affect data subject

12

Operations	Instruct/train employees having any responsibility or function in the design, development, operation, or maintenance of the data system or use of Personal Information
-------------------	--

13

Use Limitations	<ul style="list-style-type: none">• Refrain from preparing lists of names and addresses of individuals for commercial or charitable solicitation purposes except as expressly authorized by law.
----------------------------	--

14

Notice

- Disclose statutory authority for requesting Personal Information and whether data subject's disclosure is voluntary or involuntary.
- Disclose if collected Personal Information will be treated as confidential or public record
- Disclose the agency's use of the information

15

Operations/Compliance

- Establish rules and procedures to comply with the Fair Information Privacy Practices

16

Disclosure of Security Breach IC 24-4.9

- **Indiana Resident**

If unencrypted information was acquired or encrypted information acquired by person with access to encryption key.

- **Consumer Reporting Agency**

If more than 1,000 consumers are affected

- **Attorney General's Office**

If disclosure is required to Indiana residents, disclosure is required to Attorney General's Office

17

How to disclose

- (1) Mail.
- (2) Telephone.
- (3) Facsimile (fax).
- (4) Electronic mail, if the organization making the has the electronic mail address of the affected Indiana resident.

18

Failure to disclose is a deceptive act that is actionable only by the Attorney General

19

Questions ?

20