

RFP Attachment B1

ATTACHMENT [X] DATA/INFORMATION SECURITY POLICY FOR CONTRACTORS

Revised 5/1/2017

The disclosure of personal information collected and/or obtained by the Indiana Bureau of Motor Vehicles or the Indiana Bureau of Motor Vehicles Commission ("BMV/C") is subject to the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. 2721 et seq.) ("DPPA") as implemented under state law at Indiana Code ("IC") §9-14-13. Except as agreed to between BMV/C and Contractor and as permitted by and in accordance with the DPPA and IC §9-14-13, a Contractor of the BMV/C, or an officer or employee or subcontractor of the Contractor, shall not knowingly, accidentally disclose or otherwise make available personal information, including highly restricted personal information, obtained in connection with a motor vehicle record.

I. Definitions

"Disclose" shall mean to engage in a practice or conduct to make available and make known personal information contained in a motor vehicle record about a person to another person by any means of communication.

"Highly restricted personal information" shall mean the following information that identifies an individual:

- (1) Digital photograph or image.
- (2) Social Security number.
- (3) Medical or disability information.

"Record" shall mean means any information, books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials, regardless of medium, that are created or maintained by the BMV.

"Personal Information" shall mean information that identifies a person, including an individual's:

- (1) digital photograph or image;
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address (but not the 5-digit zip code);
- (6) telephone number; or
- (7) medical or disability information.

II. Confidentiality of BMV/C Information

Contractors of the BMV/C shall follow all requirements of BMV/C Standard Operating Procedure regarding the protection of personal information ("PI"), including highly restricted personal information, and BMV/C data systems. It is the Contractor's responsibility to ensure all Contract staff and/or subcontractors with any access to BMV/C data systems and/or PI understand these policies and that access to and/or use of BMV/C data systems and/or PI is limited only to those staff/subcontractors whose access to and/or use of this information is essential for the purpose of carrying out the Contractor's or subcontractor's obligations governed by this Contract.

Pursuant to 18 U.S.C. §2721(c) of the DPPA and IC §9-14-13-10, upon termination of a contract, a Contractor who resells or rediscloses PI pursuant to its contract with the BMV/C shall maintain for a period of five (5) years all records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make these records available to the BMV/C upon request. At the end of five (5) years, a Contractor who resells or rediscloses PI pursuant to its contract with the BMV/C shall securely return or destroy any PI in a

commercially reasonable manner, including contracting with a third party for destruction of said PI, and provide to the BMV/C a certificate of destruction. If any PI is stored in a data format proprietary to the Contractor, the Contractor shall provide the BMV/C with a copy of the PI in a standardized format (e.g. PDF, TIF, JPG, GIF, etc.). The Contractor will ensure that any subcontractor shall promptly securely return any PI upon termination of the Contract.

Those Contractors that are NOT AUTHORIZED to resell or redisclose PI pursuant to their contract with the BMV/C shall either securely return or destroy any PI in a commercially reasonable manner and provide to the BMV/C a certificate of destruction upon termination or expiration of their Contract.

III. Access to BMV/C Data Systems

Contract staff and/or subcontractors may not be allowed access to BMV/C data systems without prior individual approval from BMV/C, which may include but is not limited to periodic background checks. BMV/C must be notified immediately each time an approved individual leaves employment or the subcontract for an approved subcontractor is cancelled or when these individuals are reassigned to duties that do not involve access to BMV/C data systems. No agent of a contractor will be permitted access to Social Security Administration (SSA) data until he/she has completed all required forms and executed the required agreements for such access.

Any contractor, and their agents/users, who receives access to SSA data through the Information Exchange Agreement (Agreement) between the BMV and SSA through the Social Security On Line Verification (SSOLV) process agrees to be bound by the terms and conditions concerning the access, use or disclosure of SSA data under the Agreement, including the penalties associated with loss or disclosure.

IV. Personal Information Disclosure Incident Report

Unless subject to IC §24-4.9, Contract staff members and/or subcontractors shall complete the Contractor's Personal Information Disclosure Report ("**Report**") each time an unauthorized disclosure of a customer's personal information occurs. Within 24 hours of the incident, the Contractor must email the Report to the BMV/C Legal Department at BMVLegal@bmv.in.gov. If the Report cannot be emailed, the Contractor must contact the BMV/C Legal Department to determine how to send the Report. The Report type (i.e. Contractor's Personal Information Disclosure Incident Report), the location where the personal information disclosure occurred and the date on which the disclosure occurred must be specified in the subject line of the email. Upon receipt of the Report, the BMV/C Legal Department will review, investigate and make any necessary reports to the appropriate state and/or federal agencies.

V. Social Security Administration ("SSA")-Provided Personal Information Disclosure Incident Report

Contract staff and/or subcontractors who experience or suspect a breach or loss of PI that contains SSA-provided personally identifiable information shall immediately complete the Personal Information Disclosure Report. The Contractor must immediately notify by direct telephone contact and email the completed incident report to the BMV/C designated SSA Incident Point of Contact:

BMV Legal
BMVLegal@bmv.in.gov

Steve Leak
Telephone: 317-234-3392
Email: sleak@bmv.in.gov

Charles Hampton
Telephone: 317-233-2013
Email: ChaHampton@bmv.in.gov

The email subject line shall read "SSA-Provided Information Incident." The Contractor and/or subcontractor acknowledges that time is of the essence in reporting suspected breaches or loss of PI that contains SSA-provided PI and shall not delay the reporting thereof.

The Contractor and/or subcontractor must also immediately email the Report to the BMV/C Legal Department at BMVLegal@bmv.in.gov. If the Report cannot be emailed, the Contractor and/or subcontractor must contact the BMV/C Legal Department to determine how to send the report. The Report type (i.e. Contractor's Personal Information Disclosure Incident Report), the location where the personal information disclosure occurred and the date on which the disclosure occurred must be specified in the subject line of the email. Upon receipt of the Report, the BMV/C Legal Department will review, investigate and make any necessary reports to the appropriate state and/or federal agencies.

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**INDIANA BUREAU OF MOTOR VEHICLES &
INDIANA BUREAU OF MOTOR VEHICLES COMMISSION**

CONTRACTOR'S PERSONAL INFORMATION DISCLOSURE REPORT

TO: BMV/C Legal Department – BMVLegal@bmv.in.gov

FROM: _____
Name and job title of individual completing this form

Name of Contractor

LOCATION: _____
Location at which the incident occurred

DATE OF REPORT: _____

INSTRUCTIONS:

Please respond to each of the questions below. When complete, e-mail a saved copy of this document as an attachment to BMVLegal@bmv.in.gov. Contact the BMV Legal Department by telephone if the report is unable to be e-mailed.

1. Date and time of the disclosure:

DATE: _____ TIME: _____

2. Name and address of individual(s) whose personal information was disclosed:

NAME: _____

ADDRESS: _____

3. What personal information was disclosed? (Indicate YES or NO for each item)

a. Name YES / NO

b. Address YES / NO

c. Telephone # YES / NO

d. SSN YES / NO

e. DLN/ID# YES / NO

f. Photo YES / NO

g. Medical/Disability Information YES / NO

h. Other (Describe): _____

4. Name and address of individual(s) who received unauthorized personal information:

NAME: _____

ADDRESS: _____

5. Detailed description of what happened: _____

6. Has the individual been informed of the disclosure? YES / NO

a. If Yes, when and how was the customer informed (if in writing, please attach copy)

b. If no, please explain why they have not been informed and if they will be informed

7. Was the customer offered credit monitoring or any other assistance? YES / NO

8. Name of the individual who made the disclosure: NAME: _____

9. What corrective actions did the Contractor take?

