



# STATE OF INDIANA

## OFFICE OF TECHNOLOGY

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Mitchell E. Daniels Jr., Governor

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TO: Members of the General Assembly  
Phil Sachtleben, Executive Director of Legislative Services Agency

CC: Governor Mitch Daniels  
Karen Davis, Public Access Counselor  
All Agencies that Responded to IOT's IC 4-1-6-9 Inquiry

FROM: Karl B. Browning, Chief Information Officer

RE: Report to the General Assembly Relating to Personal Information Systems

DATE: December 1, 2005

Pursuant to IC 4-1-6-9 and on behalf of 45 state agencies, the Indiana Office of Technology submits this report to the General Assembly detailing the "personal information systems" that agencies believe should be maintained on a confidential basis by statute.

This report should serve as a starting point for further discussions with those agencies. These discussions, we think, will be necessary to be able to find the appropriate balance between the facts weighing in favor of public disclosure and those weighing in favor of protecting personal privacy.

## I. Background

State agencies are required to annually file two reports detailing their collection of personal information.<sup>1</sup> The first, due December 1<sup>st</sup> to the General Assembly, requires the agency to recommend what, if any, personal information collected should be maintained on a confidential basis by statute. The second, due December 31<sup>st</sup> to the Governor, essentially requires the agency to detail what personal information is collected and the reasons for such collection. The Indiana Office of Technology was, however, unable to locate copies of any such reports from years past.

Both statutes require agencies to issue detailed reports relating to "personal information systems." The term "personal information system" is defined as "any recordkeeping process, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject." IC 4-1-6-1(a).<sup>2</sup> The term "personal information" is similarly broad. It is defined as "any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics

<sup>1</sup> See IC 4-1-6-7 and IC 4-1-6-9, <http://www.ai.org/legislative/ic/code/title4/ar1/ch6.html>. IC 4-1-6-9 is included at the end of this report for your convenience.

<sup>2</sup> "Data subject" means an individual about whom personal information is indexed or may be located under his name, personal number, or other identifiable particulars, in a personal information system." IC 4-1-6-1(c).

about an individual including, but not limited to, his education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or his presence, registration, or membership in an organization or activity or admission to an institution.” IC 4-1-6-1(b).

With the Governor’s command to centralize state IT, it is logical for the Chief Information Officer to prepare the report to the Governor on behalf of state agencies since that report involves reporting on so many of the State’s automated systems. By knowing what systems exist to collect personal information, it made the process of collecting these recommendations to the General Assembly a natural extension of that effort. We thought it inappropriate to tackle one and not both.

## II. Agency Recommendations

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Though the statute contemplates a response by agencies if they wish to recommend to the General Assembly that any personal information should be “maintained on a confidential basis by specific statutory authorization because their disclosure would constitute an invasion of personal privacy and there is no compelling, demonstrable and overriding public interest in disclosure,” the Office notes that 45 state agencies responded to our inquiry.<sup>3</sup>

Those agencies are:

- Adjutant General
- Administration, IN Dept. of (IDOA)
- Animal Health, Board of (BOAH)
- Arts Commission, IN (IAC)
- Budget Agency, State (SBA)
- Civil Rights Commission (CRC)
- Correction, Dept. of (DOC)
- Criminal Justice Institute (CJI)
- Economic Development Corp., IN (IEDC)
- Environmental Adjudication, Office of (OEA)
- Environmental Mgmt., IN Dept. of (IDEM)
- Ethics Commission, State (SEC)
- Faith-Based Community Initiatives, Office of (OFBCI)
- Family & Social Services Admin. (FSSA)
- Finance Authority, IN (IFA)
- Financial Institutions, Dept. of (DFI)
- Gaming Commission, IN (IGC)
- Health, IN State Dept. of (ISDH)
- Homeland Security, IN Dept. of (IDHS)
- Hoosier Lottery
- Housing Community D Authority, IN (IHCDA)
- Inspector General, Office of (OIG)
- Insurance, Dept. of (DOI)
- Intergovernmental Relations, IN Advisory Comm. On (IACIR)
- Law Enforcement Academy, IN (ILEA)
- Library, IN State (ISL)
- Local Government Finance, Dept. of (DLGF)
- Management and Budget, Office of (OMB)
- Motor Vehicles, Bureau of (BMV)
- Natural Resources, Dept. of (DNR)
- Personnel Dept., State (SPD)
- Police, IN State (ISP)
- Professional Licensing Agency, IN (IPLA)
- Protection and Advocacy Services, IN (IPAS)

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<sup>3</sup> Indiana Code 4-1-6 applies to all state agencies except those in the legislative and judicial departments (*a.k.a.* branches), the state police, institutions of higher education, and the separately elected officials (auditor of state, treasurer of state, secretary of state, attorney general, and superintendent of public instruction). The use of the term “state agency” in this report is intended to have the same meaning as set forth therein.



education, and public accommodation), the protected class of discrimination (sex, disability, race, color, national origin, religion, familial status)

Reason for Confidentiality: Information revealing the identity of persons who file complaints with administrative, investigative, law enforcement or penology agencies

Contact: Dennis Richmond [[drichmond@crc.in.gov](mailto:drichmond@crc.in.gov)]

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3. Agency: Correction, Dept. of (DOC)

Personal Information System: Automated Fingerprint Information System

Purpose of the System: To provide information to Indiana State Police and the Federal Bureau of Investigation and to provide mug shots and fingerprints for DOC packets

Types of Data Collected: Name, DOC number, fingerprints, photograph, date of birth, ORI of arresting agency, social security number, sex, race, height, weight, eye color, hair color, skin complexion, last address, place of birth, citizenship, identifying marks (scars, marks, and tattoos with body location), alias names and dates of birth, and last three charges (prosecutor cause number, date of offense, ORI of prosecuting agency, charge, class, level, IC code)

Reason for Confidentiality: Personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies

Contact: Robert W. Hughes [[rhughes@doc.in.gov](mailto:rhughes@doc.in.gov)]

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4. Agency: Correction, Dept. of (DOC)

Personal Information Systems: Victim/Witness Notification Access Database and Victim/Witness Scanned Files

Purpose of the Systems: To manage various aspects of victim/witness notification for both adult and juvenile offenders

Types of Data Collected: Names, address, telephone number(s), fax number(s), email address of victims, witnesses and alternate contacts

Reason for Confidentiality: Release of this information could result in victimization or re-victimization of victims and witnesses.

Contact: Donnett I. Dempsey [[ddempsey@coa.doc.state.in.us](mailto:ddempsey@coa.doc.state.in.us)]

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5. Agency: Correction, Dept. of (DOC)

Personal Information System: Staff & Offender ID Card System

Purpose of the System: Staff and offender identification

Types of Data Collected: Staff name, job title, social security number, photograph

Reason for Confidentiality: It may be advisable to expand employee record statutory confidentiality requirements to ensure that personal information related to employees is not made available to outside parties, especially in the area of corrections.

Contact: Robert W. Hughes [[rhughes@doc.in.gov](mailto:rhughes@doc.in.gov)]

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6. Agency: Correction, Dept. of (DOC)

Personal Information Systems: Offender Management Systems

Purpose of the Systems: To manage various aspects of inmate activity for both adult and juvenile offenders

Types of Data Collected: Demographics, sentencing data, assessment and classification data, program participation data, treatment data, conduct data, visitation data, security threat group data, job tracking data, location and movement, parole placements and reviews, physical identifiers, warrants, victim notification, grievance data, and internal affairs investigations

Reason for Confidentiality: Personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies

Contact: Robert W. Hughes [[rhughes@doc.in.gov](mailto:rhughes@doc.in.gov)]

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7. Agency: Correction, Dept. of (DOC)

Personal Information System: Offender Telephone Call Control System

Purpose of the System: Controls who may be contacted by an offender via telephone and allows DOC to run reports that identify calls whose recordings may need to be listened to, and enhances the security of the correctional facilities.

Types of Data Collected: Offender name, offender DOC number, originating telephone number, called number, length of call, date and time of call, individual PIN (personal identification number), reason for disconnect (three way call, call not accepted, hang up, etc.), allowed call numbers by offender

Reason for Confidentiality: It may be advisable to expand confidentiality requirements to recorded offender telephone calls to ensure that personal information imparted by the parties to the conversation are not made available to outside parties.

Contact: Robert W. Hughes [[rhughes@doc.in.gov](mailto:rhughes@doc.in.gov)]

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8. Agency: Criminal Justice Institute (CJI)

Personal Information System: Victim's Compensation Database

Purpose of the System: To collect personal data necessary to compensate victims of violent crimes and/or sex crimes.

Types of Data Collected: Names, social security numbers, birthdates, gender, addresses and medical history

Reason for Confidentiality: Due to the very private nature of this information, their personal protection and financial well being is *totally* dependent on our ability to keep this information confidential. Disclosure of this information could open the State up to potential consequences, financial and otherwise, should this information become available to those without a direct need for access.

Contact: Silvia Miller [[smiller@cji.in.gov](mailto:smiller@cji.in.gov)]

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**9.** Agency: Economic Development Corp., IN (IEDC)

Personal Information System: Economic Development for a Growing Economy (EDGE) Tax Credits

Purpose of the System: To verify the eligibility of businesses for EDGE Tax Credits

Types of Data Collected: Names, addresses, social security numbers, wages, and hire and termination dates

Reason for Confidentiality: Businesses are eligible for this credit only if they create jobs. The only way to verify that they have fulfilled this requirement is by having them file information with us about the new employees they have hired to be eligible for this credit. The information should be kept confidential because of its personal nature, because the individuals themselves do not file this information on their own accord, and because making this information public would discourage any business from applying for the credit.

Contact: David Lips [[dlips@iedc.in.gov](mailto:dlips@iedc.in.gov)]

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**10.** Agency: Economic Development Corp., IN (IEDC)

Personal Information System: Hoosier Business Investment (HBI) Tax Credit

Purpose of the System: To verify the eligibility of businesses for the HBI Tax Credit

Types of Data Collected: Names, addresses, social security numbers, wages, and hire and termination dates

Reason for Confidentiality: Businesses may be eligible for this credit if they create jobs. The only way to verify that they have done so is by having them file information with us about the employees they have hired to be eligible for this credit. The information should be kept confidential because of its personal nature, because the individuals themselves do not file this information on their own accord, and because making this information public would discourage any business from applying for the credit.

Contact: David Lips [[dlips@iedc.in.gov](mailto:dlips@iedc.in.gov)]

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11. Agency: Gaming, IN Commission (IGC)

Personal Information System: Licensing

Purpose of the System: To determine applicants' suitability for licensure and issue licenses

Types of Data Collected: Name, address, telephone number, date of birth, birth certificate, photograph, social security number, physical characteristics, education information, employment history, military participation, criminal history, tax, financial, and bankruptcy information, and licensing history

Reason for Confidentiality: Completed applications for licensure are replete with detailed personal information, the collection of which is vital to conducting statutorily mandated in-depth background and financial investigations of individuals who wish to (i) work in the casino gambling industry in Indiana or, (ii) acquire a particular level of ownership interest in an Indiana riverboat licensee. Individuals required to participate in the licensing process are not employees of the State. Public disclosure is likely to have a chilling effect on the willingness of applicants to engage in open communications with Commission investigators and thereby hinder the overall licensing application process. Moreover, any uncertainty about the State's commitment to preventing disclosure of personal information to anyone other than Commission



members and staff who are statutorily authorized to investigate and determine suitability for licensure could even result in reluctance from individuals, investors, and companies to doing business in our State.

Contact: Ernest E. Yelton [[eyelton@igc.state.in.us](mailto:eyelton@igc.state.in.us)]

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- 12.** Agency: Health, IN State Dept. of (ISDH)
- Personal Information System: Incident (Safety/Security) Case File Log and Files
- Purpose of the System: To track reported incidents
- Types of Data Collected: Names, residents' units, employees' position, addressed and contact telephone numbers
- Reason for Confidentiality: Information reveals the identity of persons who file complaints with administrative, investigative, and law enforcement agencies.
- Contact: John Richard [[jrichard@isdh.in.gov](mailto:jrichard@isdh.in.gov)]
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- 13.** Agency: Homeland Security, IN Dept. of (IDHS)
- Personal Information System: IndianaDisasterHelp.org (Donations and Volunteers Virtual Inventory System)
- Purpose of the System: Volunteer Management, hurricanes Katrina and Rita response, and Donations Management
- Types of Data Collected: The database being used for the Hurricane Katrina/Rita evacuees contains a considerable amount of personal information, such as social security numbers, religious affiliations, medical needs, educational needs, and housing needs.
- Reason for Confidentiality: Volunteer information should be kept confidential in order to protect volunteers from being contacted inappropriately and to protect the evacuees from being subjected to abusive or fraudulent behavior while they are displaced.

Contact: Mara Snyder [[msnyder@dhs.in.gov](mailto:msnyder@dhs.in.gov)]

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- 14.** Agency: Housing Community Dev. Authority, IN (IHCDA)
- Personal Information System: Special Needs Databases
- Purpose of the System: To verify eligible persons for the Emergency Shelter Grant, Housing Opportunities for Persons with AIDS, and Shelter Plus Care programs
- Types of Data Collected: Medical history, history with incarceration, substance abuse, mental health, household composition, demographic information, and income verification
- Reason for Confidentiality: Though the Indiana Code maintains that a person's HIV status must be kept confidential, this system includes personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies, which should be confidential.
- Contact: Lisa Coffman [[lcoffman@ihcda.in.gov](mailto:lcoffman@ihcda.in.gov)]
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- 15.** Agency: Law Enforcement Academy, IN (ILEA)
- Personal Information System: Training Registration and Tracking System
- Purpose of the System: To maintain both basic training and in service training records on all police officers in the State as well as law enforcement instructors, law enforcement training providers, and police department annual reports
- Types of Data Collected: Name, date of birth, social security number, gender, work status, race/ethnicity, and other training-related information
- Reason for Confidentiality: This system includes personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies. In addition most of our

records relate to law enforcement officers and their information should be kept confidential due to the possibility of the criminal element obtaining this personal information.

Contact: Scott C. Mellinger [[smellinger@ilea.in.gov](mailto:smellinger@ilea.in.gov)]

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- 16.** Agency: State Student Assistance Comm. of IN (SSACI)
- Personal Information System: Information relating to appeals of denial of student aid
- Purpose of the System: To enable SSACI to make college student aid grants
- Types of Data Collected: Names, financial information; medical conditions, personal histories
- Reason for Confidentiality: This system includes personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies. This system includes information required of any taxpayer in connection with the assessment or collection of any income tax. Indeed the information SSACI has is precisely the kind of information sought by identity thieves. Moreover, the data is linked to data from the FAFSA, which is as confidential as the tax filing information collected by the IRS and the DOR.

Contact: Dennis Obergfell [[dobergfell@ssaci.in.gov](mailto:dobergfell@ssaci.in.gov)]

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- 17.** Agency: State Student Assistance Comm. of IN (SSACI)
- Personal Information System: Grant Reporting and Delivery System (GRADS)
- Purpose of the System: To enable SSACI to make college student aid grants
- Types of Data Collected: Social security numbers (student and parents), student dates of birth, addresses, and family financial information from previous year tax filings

Reason for Confidentiality: This system includes personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies. Information required of any taxpayer in connection with the assessment or collection of any income tax. Indeed the information SSACI has is precisely the kind of information sought by identity thieves. Moreover, the data is linked to data from the FAFSA, which is as confidential as the tax filing information collected by the IRS and the DOR.

Contact: Dennis Obergfell [[dobergfell@ssaci.in.gov](mailto:dobergfell@ssaci.in.gov)]

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18. Agency: State Student Assistance Comm. of IN (SSACI)
- Personal Information Systems: Student Information System for students (eStudent)  
Student Information System for colleges (eGRADS)
- Purpose of the Systems: eStudent & EGRADS are replications of some data in GRADS (see prior entry)
- Types of Data Collected: Student social security number, name, date of birth, high school or military unit numbers, eligibility for state aid programs, dollar value of awards granted, and history of awards for the student
- Reason for Confidentiality: These systems include personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies. These systems include information required of any taxpayer in connection with the assessment or collection of any income tax. Indeed the information SSACI has is precisely the kind of information sought by identity thieves. Moreover, the data is linked to data from the FAFSA, which is as confidential as the tax filing information collected by the IRS and the DOR.
- Contact: Dennis Obergfell [[dobergfell@ssaci.in.gov](mailto:dobergfell@ssaci.in.gov)]



indirectly from public bodies. This system includes information required of any taxpayer in connection with the assessment or collection of any income tax. Indeed the information SSACI has is precisely the kind of information sought by identity thieves. Moreover, the data is linked to data from the FAFSA, which is as confidential as the tax filing information collected by the IRS and the DOR.

Contact:

Dennis Obergfell [[dobergfell@ssaci.in.gov](mailto:dobergfell@ssaci.in.gov)]

### **III. Conclusion**

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Any action taken on these recommendations requires, we think, further discussions with the responsible agency and a full understanding of the facts to appropriately balance the competing interests of public disclosure and personal privacy.

In an effort to improve this process next year, we will review this effort with our partner agencies and consider whether it proved fruitful to all involved and, if so, how we can improve the process. We certainly welcome any suggestions or comments from members of the General Assembly. Ultimately, we want to provide the General Assembly with the most useful report possible.

If you or your staff has any questions or concerns, please do not hesitate to contact me.

**IC 4-1-6-9**

**Annual report to general assembly; specific statutory authorization for confidentiality; recommendations**

Sec. 9. (a) Under the authority of the governor, a report shall be prepared, on or before December 1 annually, advising the general assembly of the personal information systems, or parts thereof, of agencies subject to this chapter, which are recommended to be maintained on a confidential basis by specific statutory authorization because their disclosure would constitute an invasion of personal privacy and there is no compelling, demonstrable and overriding public interest in disclosure. Such recommendations may include, but not be limited to, specific personal information systems or parts thereof which can be categorized as follows:

(1) Personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies.

(2) Personal information, excepting salary information, maintained with respect to employees, appointees or elected officials of any public body or applicants for such positions.

(3) Information required of any taxpayer in connection with the assessment or collection of any income tax.

(4) Information revealing the identity of persons who file complaints with administrative, investigative, law enforcement or penology agencies.

(b) In addition, such report may list records or categories of records, which are recommended to be exempted from public disclosure by specific statutory authorization for reasons other than that their disclosure would constitute an unwarranted invasion of personal privacy, along with justification therefor.

(c) A report described in this section must be in an electronic format under IC 5-14-6.