



State of Indiana Policy: *Fair Information Practices related to Agency Analytics Environments*

Version: 1.0 (5/2023)

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1. Purpose

The growth of data analytics environments within Indiana State Government Agencies is a positive development in the State's data-driven journey. These environments greatly enhance the ability of policymakers to leverage relevant data, informing timely decision-making for the benefit of Hoosiers.

Critical to this journey is streamlining the exchange of data within and between State Agencies. Data exchange presents a host of challenges related to the privacy of individual data subjects, the quality of data being exchanged and relied upon by the receiving agency, and the implications of legal and regulatory obligations attached to specific data sources and types.

The purpose of this Policy is to ensure the efficient and ethical use of data analytics environments by State Agencies, whether incorporating intra- or inter-agency data.

2. Applicability and Interpretation

This Policy shall apply to all Data Processing Projects. Interpretation of this Policy and of relevant law shall be at the discretion of the State Chief Privacy Officer.

3. Revision History

Version	Date	Name	Revision Description	Supersedes
1.0	5/2023	T. Cotterill	Initial version.	n/a

4. Authority

This Policy is promulgated by the Office of the Chief Data Officer pursuant to IC 4-3-26 as a component policy of the State of Indiana Policies on Information Privacy and Information Quality.

5. Ownership

Please direct questions and concerns to the following owner(s) of this Policy:

1. The State Chief Privacy Officer

6. Definitions

1. "Agency Analytics Environment" means a cloud-based virtual development and production environment used for the Processing of Data by a State Agency.
2. "Agency Privacy Officer" means the associated individual in each State Agency designated under the *State of Indiana Information Privacy Policy*.
3. "CDMC Framework" means the Cloud Data Management Capabilities Framework, Version 1.1.1, put forth by the EDM Council.
4. "Data" means Government Information and Personal Information, collectively.
5. "Data Processing Project" means an initiative to Process Data within an Agency Analytics Environment.



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6. “External Partner” means an individual, or related employing organization, that is under contract or other similar agreement with the MPH or a State Agency.
7. “Government Information” has the meaning set forth in IC 4-3-26-7.
8. “MPH” means the Indiana Management Performance Hub established by IC 4-3-26-8.
9. “OCDO” means the Office of the Chief Data Officer established by IC 4-3-26-9.
10. “Personal Information” has the meaning set forth in IC 4-1-6-1(2).
11. “Policy” means this *State of Indiana Policy: Fair Information Practices in Agency Analytics Environments*.
12. “Process” means any operation or set of operations performed, whether by manual or automated means, on Data or on sets of Data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of Data.
13. “State Agency” has the meaning set forth in IC 4-3-26-2, excepting the MPH.
14. “Violation” means all activities contemplated by the Policy that are not expressly allowed by the Policy.

7. Exceptions

All exceptions are considered policy deviations and must be documented in a timely manner within the MPH system that provides reporting, requirements management, and project management capabilities. Exceptions may be granted in accordance with applicable law by the MPH Data Review Team, subject to its policies and procedures, by the Chief Data Officer, or by the Chief Privacy Officer.

8. Violations

8.1 Violation by State Employees

Violation of this Policy may constitute employee misconduct and will be addressed in accordance with applicable law and policy, including but not limited to the State Employee Handbook. Of specific note in this context are the following potential penalties for improper disclosure of information:

1. Ind. Code § 4-1-6-8.6(b), which provides that the improper disclosure of confidential information by a state employee is cause for action to dismiss the employee.
2. Ind. Code § 5-14-3-10(a), which provides for a Class A infraction where a state employee knowingly or intentionally discloses information classified as confidential by state statute.
3. Ind. Code § 5-14-3-10(b), which provides that a public employee may be disciplined in accordance with the employing agency’s personnel policies if the public employee intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by state statute.

This list of statutory penalties is not intended to be exhaustive and the omission of any citation does not negate the ability of any proper party, including a data subject, to bring an action for violation of law.



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8.2 Violation by External Partner

Violation of this Policy by an External Partner may subject the violating individual to access deprovisioning with respect to the relevant Agency Analytics Environment. Such a Violation will commence a review by MPH of all access related to the violating individual and may avail the MPH or relevant State Agency to contractual remedies under the contract or data sharing agreement through which the External Partner is supporting the Data Processing Project.

This statement of penalties is not intended to be exhaustive and the omission of any penalty does not negate the ability of any proper party, including a data subject, to bring an action for violation of law.

8.3 Violation of Obligations by a State Agency

The intention of the State of Indiana's investments in Agency Analytics Environments has been to streamline the Processing of Data for analytics purposes, catalyzing data-driven decision making within state government. This efficient use of data must meet operational and ethical standards imposed by the CDMC Framework and the Fair Information Practices Act. Violation of this Policy may subject the violating State Agency to termination of the relevant Data Processing Project.

9. Policy

9.1. Background

The MPH, leveraging technology made available by the Indiana Office of Technology, empowers the legal exchange and utilization of Data between State Agencies. A core component of this responsibility is the application of controls that enable the efficient and ethical use of Data to inform decision making.

To this end, Data Processing Projects are subject to the following principles and controls.

9.2 Confidentiality of Data Exchanged Between State Agencies

The unique structure of government requires that interagency Data exchanges be governed in a manner that respects the rights of data subjects and the state's obligations to them.

1. **Fair Information Practices Act:** "When an agency which holds information classified as confidential disseminates that information to another agency, the receiving agency shall treat it in the same manner as the originating agency." IC 4-1-6-8.5(2).
2. **Access to Public Records Act:** The confidentiality and disclosure of various records of the State of Indiana are governed by the Access to Public Records Act. Specifically, "[a] public agency that receives a confidential public record from another public agency shall maintain the confidentiality of the public record." IC 5-14-3-6.5.

9.3 Authority of IC 4-1-6 – Fair Information Practices Act

The Agency Privacy Officer of a State Agency leveraging an Agency Analytics Environment shall ensure that the Processing of Data is in accordance with fair information practice principles, pursuant to IC 4-1-6.

1. **Collection and Use.** Data may be Processed only by a State Agency maintaining a relevant statutory purpose for the proposed collection and use.



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2. **Purpose Specification.** Data may be Processed only for a specific purpose (i.e., use case or set of use cases), timeframe, and by an individual/individuals directly connected with the statutory purpose referenced in Sec. 9.3.1. above.
3. **Data Minimization.** Only the minimum volume of Data elements necessary to achieve an approved purpose may be Processed. Data shall be Processed at a level of granularity that provides the least visibility needed to achieve the approved purpose. Data should not be duplicated in an Agency Analytics Environment, wherever possible. Row-level Data should be accessed only by an approved application—individuals should not substantively access row-level Data, wherever possible.
The *State of Indiana Information Privacy Policy* contains guidance regarding the obfuscation of Data and the State Chief Privacy Officer is available to advise on data minimization as needed.
4. **Data Quality.** Data processed must be accurate, complete, timely, and relevant to the needs of the Data Processing Project.
5. **Security Safeguards.** Data Processed must be subject to appropriate access controls in accordance with Indiana Office of Technology policies. A list of individuals with regular access to the Data Processing Project must be maintained. A complete and accurate record of every access to the Data Processing Project must be maintained. The Office of Technology shall impose appropriate administrative and technical safeguards to ensure the security of Data Processing Projects.
6. **Accountability.** State Agencies shall be accountable for complying with measures which give effect to this Policy and fair information practice principles, including the audit provision described in Sec. 9.4.2 of this Policy.

9.4 Authority of IC 4-3-26 – Indiana Management Performance Hub Act

1. The Agency Privacy Officer or designee shall do the following:
 - For all interagency exchanges related to Data Processing Projects, ensure that the Processing of Data in accordance with the Fair Information Practices Act and the CDMC Framework is documented in advance by submission to the MPH using the tool prescribed for that purpose.
 - For all Data Processing Projects (including both intra-agency and interagency), ensure the following:
 - The Processing of Data is in accordance with the Fair Information Practices Act and the CDMC Framework.
 - A complete and up-to-date entry into the data cataloging tool prescribed by the MPH for any state-owned source system maintaining Data.

***For the sake of clarity, no reporting related to the Fair Information Practices Act or the CDMC Framework is required for intra-agency Data access.**
2. The MPH shall do the following:
 - Review submissions described in Sec. 9.4.1; advise on the efficient and ethical use of Data in accordance with this Policy.
 - Assign relevant contacts for a particular Data Processing Project to advise State Agencies in accordance with this Policy.



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- In accordance with OCDO policies and procedures, require an Indiana enterprise data catalog scan of the state-owned source system related to any Data Processing Projects.
- At its discretion, audit conformance to this Policy.
- At its discretion, it may be necessary for the State of Indiana to undertake broad-based Data Processing involving multiple State Agencies where, for instance, the purpose for Processing does not maintain sufficient nexus with the State Agency's statutory purpose to enable a Data Processing Project. In this event, the MPH will enable the efficient and ethical use of Data leveraging its unique statutory framework on behalf of the State of Indiana. The MPH will deliver insights derived from Data Processing to relevant State Agencies at a level of granularity appropriate for the related Data and use, in accordance with OCDO policies and procedures.

9.5 Authority of IC 4-13.1-2 – Office of Technology Act

The development and implementation of information technology resources in state government takes place pursuant to IC 4-13.1-2. To that end, the Office of Technology shall ensure the following:

1. Creation and implementation of a process for the efficient creation of segmented projects within an Agency Analytics Environment, subject to prior review described in Sec. 9.4.2 by the MPH for compliance with this Policy.
2. Availability of a ticketing system to a State Agency for technical requests associated with an Agency Analytics Environment.

The Office of Technology shall exercise the authority granted it under IC 4-13.1-2 in the context of this Policy.

9.6 Authority of IC 5-15-5.1 – Indiana Archives and Records Administration Act

The retention and disposition of Data Processed in an Agency Analytics Environment takes place pursuant to IC 5-15-5.1.

1. Data initially ingested into an Agency Analytics Environment are a copy of production Data stored and retained elsewhere and thus constitute “nonrecord materials” under IC 5-15-5.1-1(l).
2. Derivative Data products developed as a result of Processing of the Data initially ingested into an Agency Analytics Environment constitute a “record” of the State Agency processing such information under IC 5-15-5.1-1(o). The record shall receive designation as a new record series or part of an existing record series by the State Agency, in consultation with the Indiana Archives and Records Administration.

The Indiana Archives and Records Administration shall exercise the authority granted it under IC 5-15-5.1 in the context of this Policy.

10. References

- 10.1. *State of Indiana Policy: Information Privacy*
- 10.2. *State of Indiana Policy: Information Quality*



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- 10.3. *Cloud Data Management Capabilities Framework*, Version 1.1.1. September 2021. EDM Council, Inc.
- 10.4. *Cloud Data Management Capabilities Key Controls and Automations*, Version 1.1.1. September 2021. EDM Council, Inc.
- 10.5. *OCDO Procedure: MPH Data Review Team & OCDO Privacy Board*.

11. Approval

Chief Data Officer
State of Indiana