



STATE OF INDIANA

Mitchell E. Daniels Jr., Governor

OFFICE OF TECHNOLOGY

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TO: Governor Mitch Daniels

CC: All Agencies that Responded to IOT's IC 4-1-6-7 Inquiry

FROM: Karl B. Browning, Chief Information Officer

RE: Report to the Governor Relating to Personal Information Systems

DATE: December 31, 2005

Pursuant to IC 4-1-6-7 and on behalf of 48 state agencies, the Indiana Office of Technology submits this report to the Governor detailing what personal information is collected by agencies and the reasons for such collection.

We found no evidence of earlier reports even though the statute requiring this report has been in effect since 1977. At this point, we have succeeded in assembling a database of the "personal information systems" and data elements collected by the participating agencies, and we have identified that there are 710 systems that maintain personal information within these agencies. There is more work to do to make this data useful information. This report represents an important first step and addresses next steps we will take to capitalize on this newly compiled information.

I. Background

State agencies are required to annually file two reports detailing their collection of personal information.¹ The first, due December 1st to the General Assembly, requires the agency to recommend what, if any, personal information collected should be maintained on a confidential basis by statute.² The second, due December 31st to the Governor, essentially requires the agency to detail what personal information is collected and the reasons for such collection.

Both statutes require agencies to issue 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." 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 about an individual including, but not limited to, his education, financial transactions, medical history, criminal or employment records,

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

² The first report is available online at <http://www.in.gov/legislative/igareports/agency/reports/IOT01.pdf>.

finger and voice prints, photographs, or his presence, registration, or membership in an organization or activity or admission to an institution.”

II. Agency Details

Though the statute contemplates a response only with respect to “each system added or eliminated since the last report with the governor,” the Office was unable to find any report previously filed in compliance with this statute. Thus, the Office set out to identify every personal information system.³ The following 48 state agencies⁴ responded to the inquiry:

- Adjutant General
- Administration, IN Dept. of (IDOA)
- Animal Health, Board of (BOAH)
- Arts Commission, IN (IAC)
- Budget Agency, State (SBA)
- Child Services, Dept. of (DCS)
- 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
- 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)
- Public Access Counselor, Office of the (PAC)
- Public Employees Retirement Fund (PERF)
- Public Records, IN Commission on (ICPR)
- Revenue, IN Dept. of (IDOR)
- State Fair Commission, IN (ISFC)
- State Student Assistance Comm. of IN (SSACI)
- Tax Review, IN Board of (IBTR)
- Technology, IN Office of (IOT)
- Transportation, IN Dept. of (INDOT)
- Tobacco Prevention and Cessation, IN (ITPC)
- Utility Consumer Counselor, Office of (OUCC)
- Veterans’ Affairs, IN Dept. of (IDVA)
- Workforce Development, Dept. of (DWD)

³ To make the process manageable, the Office advised agencies that they should focus on those personal information systems that are unique to their agency or shared with a few other agencies. Thus, systems incidental to every agency, such as e-mail distribution lists or HR files, were generally not addressed by each agency.

⁴ 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 in IC 4-1-6-1(d).

As a result of this work, the Office has compiled a database that identifies 710 personal information systems. The following table identifies the number of personal information systems at each agency that reported having at least one such system:

<u>Agency</u>	<u>#</u>	<u>Agency</u>	<u>#</u>
Adjutant General	1	IDOA	18
BMV	6	IDOR	19
BOAH	1	IDVA	1
CJI	11	IEDC	2
CRC	6	IHCDA	5
DFI	20	ILEA	2
DLGF	4	INDOT	126
DNR	11	IPAS	2
DOC	5	IPLA	1
DOI	6	ISDH	170
DWD	38	ISFC	6
FSSA & DCS	185	ISL	1
Gaming Commission	2	OMB	1
Hoosier Lottery	10	PERF	1
IAC	4	SBA	4
IDEM	7	SPD	2
IDHS	20	SSACI	12

Due to the size of the database, we have not included it with this report. Rather, it is available from the Office upon request.

III. Conclusion

The Office is working with other agencies to ensure the accuracy and consistency of the data in this new database of personal information systems and to develop a process to make it easier for agencies to review and revise this data on regular basis. By the end of Q1, 2006, we will have completed a summary of the data collected and resulting recommendations. At minimum, this should make it easier for agencies to comply with the reporting requirements of IC 4-1-6.

More importantly, we intend to log all systems -- at least those that are technical systems -- whether "personal" or not. The benefits from such a database are many, including the potential (i) to ensure that personal information is collected and used for a proper purpose; (ii) to leverage data among different agencies where appropriate; (iii) to identify redundant systems (and eliminate redundant costs); (iv) to ensure that access to systems is limited to appropriate, authorized users; (v) to assist with our disaster recovery planning; and, (vi) to allow individuals to identify themselves to any state agency and have their information updated in all relevant state systems, saving resources of state government and inconvenience to the individual.

Though there are many action items relating to this effort, we are pleased to conclude that the State now has its first draft of a database of personal information systems. We look forward to reporting to you throughout the next year on the progress we make on this project. If you or your staff has any questions or concerns, please do not hesitate to contact me.

IC 4-1-6-7

State agencies maintaining one or more systems; requirements

- (a) Any state agency maintaining one (1) or more personal information systems shall file an annual report on the existence and character of each system added or eliminated since the last report with the governor on or before December 31.
- (b) The agency shall include in such report at least the following information:
 - (1) The name or descriptive title of the personal information system and its location.
 - (2) The nature and purpose of the system and the statutory or administrative authority for its establishment.
 - (3) The categories of individuals on whom personal information is maintained including the approximate number of all individuals on whom information is maintained and the categories of personal information generally maintained in the system including identification of those which are stored in computer accessible records and those which are maintained manually.
 - (4) All confidentiality requirements, specifically:
 - (A) those personal information systems or parts thereof which are maintained on a confidential basis pursuant to a statute, contractual obligation, or rule; and
 - (B) those personal information systems maintained on an unrestricted basis.
 - (5) In the case of subdivision (4)(A) of this subsection, the agency shall include detailed justification of the need for statutory or regulatory authority to maintain such personal information systems or parts thereof on a confidential basis and, in making such justification, the agency shall make reference to section 8 of this chapter.
 - (6) The categories of sources of such personal information.
 - (7) The agency's policies and practices regarding the implementation of section 2 of this chapter relating to information storage, duration of retention of information, and elimination of information from the system.
 - (8) The uses made by the agency of personal information contained in the system.
 - (9) The identity of agency personnel, other agencies, and persons or categories of persons to whom disclosures of personal information are made or to whom access to the system may be granted, together with the purposes therefor and the restriction, if any, on such disclosures and access, including any restrictions on redisclosure.
 - (10) A listing identifying all forms used in the collection of personal information.
 - (11) The name, title, business address, and telephone number of the person immediately responsible for bringing and keeping the system in compliance with the provisions of this chapter.