



# STATE OF INDIANA

## OFFICE OF TECHNOLOGY

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TO: Governor Daniels

CC: Jim Corridan, Director of the Indiana Commission on Public Records  
All Agency Heads & Information System Contacts

FROM: Chris W. Cotterill, General Counsel of the Indiana Office of Technology

RE: Report to the Governor Relating to State Information Systems

DATE: December 29, 2006

Pursuant to IC 4-1-6-7 and on behalf of 66 state agencies,<sup>1</sup> the Indiana Office of Technology (IOT) submits this report identifying the state agencies that collect personal information; the categories and number of individuals affected; the source and types of personal information collected; and, the levels of access to the personal information. We are proud to provide this report, as we feel it represents your administration's commitment to transparency of government actions and to the security of information collected by state government.

## I. Background

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Each year, state agencies are required to file two reports detailing their collection of personal information.<sup>2</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.

Prior to 2005, no agency complied with this statute. This is regrettable for a number of reasons. Maintaining the information sought by IC 4-1-6 is a basic requirement of any controls framework to prevent unintended events, such as wrongful collection or misuse of personal information. Moreover, the information is useful to multiple state agencies. (For example, IOT has been able to follow up with agencies to begin disaster recovery planning of IT systems; the Attorney General's office has been provided a list of every agency that collects social security numbers; the Indiana Commission on Public Records (ICPR) has used the information to update retention requirements; and, several agencies have also used the information to aid with internal assessments of their data collection practices.)

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<sup>1</sup> Indiana Code 4-1-6 applies to every agency, board, commission, department, bureau, or other entity except those in the legislative and judicial branches, the state police, the institutions of higher education, and the separately elected officials. The term "state agency" in this report has the same meaning as the term is defined in IC 4-1-6-1(d).

<sup>2</sup> See IC 4-1-6-7 and IC 4-1-6-9, <http://www.ai.org/legislative/ic/code/title4/ar1/ch6.html>.

With your decision to centralize IT in 2005, the Chief Information Officer took responsibility to coordinate all agency responses into a single set of reports last year. Last year, 48 agencies responded—a successful initial effort, but many lessons were learned. First, an automated process, with standardized categories for responses, was needed. Second, the scope should be expanded to include all IT systems (not just systems that collect personal information) and to cover other related subjects to minimize the burden to the agencies of multiple reporting requirements. Third, ICPR should be engaged to ensure that agency requests for confidentiality are reviewed, coordinated, and rationalized prior to submission to the General Assembly.

Over the course of 2006, these steps were taken. The Information Systems Inventory (ISI), an online database, was created and will be used and updated each year. Additionally, IOT and ICPR worked together closely so that the data collected by IOT could be analyzed by ICPR. (In accord with IC 4-1-6-9, ICPR timely submitted the IC 4-1-6-9 report to the General Assembly.)

## **II. 2006 Information Systems Inventory Report**

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The ISI was expanded this year to identify (1) all processes that collect personal information, *whether automated or manual*, and (2) all IT systems, whether they collect personal information or not.<sup>3</sup> (There are manual processes in state government that do not collect personal information, and these are excluded from the ISI.)

This report is submitted to comply with IC 4-1-6-7; therefore, it focuses just on those systems that collect personal information.<sup>4</sup> Specifically, the report identifies the state agencies that collect personal information; the categories and number of individuals affected; the source and types of personal information collected; and, the level of access to the personal information. It also includes our recommendations and next steps for continued improvement.

### **A. Personal Information Systems Identified**

IOT identified 164 state agencies (as that term is broadly defined by statute) that should respond, and each was contacted with regular follow up. IOT focused its effort on 64 of the 164 that IOT identified as “essential” respondents. (“Essential” respondents were those agencies that IOT knew or believed collected personal information or maintained IT systems.) Table 1, included at the end of this report, identifies the 66 entities that responded. Of the 66, 52 are “essential” respondents. Thus, 40% of all identified responded, with 81% of the “essential” state agencies responding. From the 66 agencies, 850 personal information systems<sup>5</sup> were identified.

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<sup>3</sup> There are an additional 118 IT systems that do not collect personal information.

<sup>4</sup> The statute requires a response only with respect to “each system added or eliminated since the last report with the governor”; however, with many systems not yet identified due to a failure of certain agencies to respond, the identification of just “new” systems would not yet be meaningful.

<sup>5</sup> 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). To make the process manageable, IOT advised agencies to focus on those 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.

## B. Categories of Individuals within the Personal Information

The 850 personal information systems are categorized into one or more of eleven categories of individuals for which data is collected. The following are the total number of systems in each category. (More than one category could be selected; thus, the total equals 965 not 850.)

▪ State Employees.....	191
▪ Patients.....	221
▪ Students.....	29
▪ Veterans.....	36
▪ Specific Professions.....	54
▪ Contractors.....	83
▪ Criminals/Victims.....	30
▪ Licensees.....	52
▪ Specific Organizational Affiliation.....	11
▪ General Public.....	130
▪ Other *.....	128

## C. Number of Individuals

The number of individuals for which there is personal information contained in a system fall in the following ranges.

▪ 0-100.....	89
▪ 101-500.....	207
▪ 501-1000.....	68
▪ 1001-3000.....	81
▪ 3001-5000.....	32
▪ 5001-10,000.....	35
▪ 10,001-25,000.....	33
▪ 25,001-50,000.....	48
▪ 50,001-100,000.....	31
▪ 100,001-500,000.....	43
▪ 500,001-1,000,000.....	10
▪ 1,000,001-2,000,000.....	4
▪ 2,000,001-5,000,000.....	4
▪ 5,000,001-10,000,000.....	6
▪ >10,000,000.....	0
▪ Indeterminable *.....	159

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\* Asterisks indicate where data may not represent actual totals due to data not being updated by agencies to match the standardized categories created in the 2006 process.

#### **D. Categories of Personal Information**

The categories of personal information collected in the 850 systems are categorized into one or more of eleven categories. The following are the total number of systems that collect information in each category.

▪ Systems collecting Personally Identifiable <sup>6</sup> data .....	586
▪ Systems collecting Educational data.....	122
▪ Systems collecting Law Enforcement data .....	52
▪ Systems collecting Religious data .....	23
▪ Systems collecting Social Security Numbers .....	294
▪ Systems collecting Financial data.....	183
▪ Systems collecting Employment data .....	168
▪ Systems collecting Health data .....	218
▪ Systems collecting Political data .....	0
▪ Systems collecting Credit Card Information.....	6
▪ Systems collecting Other* data .....	118

#### **E. Source of Data**

The source of the personal information is also categorized. The importance of this distinction is that if the information is received directly from the individual, the individual should know he or she is providing the information. If the information is drawn from another governmental agency, the individual may know he or she provided the information but not know that it is used for a different purpose. Finally, if the information is drawn from another source, the individual is likely not to know that the information is being used by government for any purpose.

▪ Directly from Individual .....	275
▪ From Another Public Entity.....	124
▪ Other/Unknown* .....	451

#### **F. Access to Data**

The personal information systems were also categorized by the level of access to the system's data. The State has the following number of systems in each category. (Each access level represents the minimum level of access. For example, if a system is available to the public, it is also available to every access level below it in the list.)

▪ Available to the Public.....	97
▪ Available to the Other Public Entities .....	189
▪ Available to the Internal Agency Only .....	402
▪ Unknown* .....	162

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<sup>6</sup> The term "Personally Identifiable" includes data such as name, phone number, street address, and e-mail address.

### **III. Findings & Recommendations**

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On April 16, 2006, IOT provided a report to you with several follow-up recommendations to improve the process of reporting on personal information systems. Those recommendations were subsequently reviewed and discussed with the Director of ICPR and the Public Access Counselor. As a result, IOT retracts the April 16<sup>th</sup> recommendations, and IOT and ICPR jointly submit the following recommendations.

**Finding 1:** Agencies did not comply with IC 4-1-6 before this administration.

**Recommendation:** Amend IC 4-1-6 to require IOT & ICPR to coordinate agency responses and report on behalf of all agencies.

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**Finding 2:** Reporting requirements do not consistently exclude law enforcement functions; *e.g.*, State Police is wholly exempted, yet the Inspector General is not.

**Recommendation:** Amend IC 4-1-6 so that law enforcement *functions*, rather than entire *agencies*, are exempted.

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**Finding 3:** Separately elected officials, whose offices collect personal information in important ways, are exempted.

**Recommendation:** Amend IC 4-1-6 to include separately elected officials, just as many other statutes do.

IOT and ICPR will work with your office to determine if statutory change is advisable.

### **IV. Next Steps**

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Over the course of next year, IOT and ICPR will to make further meaningful improvements. IOT is working with agencies on disaster recovery planning, while ICPR is working to ensure that personal information is maintained confidentially where appropriate. Furthermore, the ISI will be further refined, and those agencies that have not responded will be specially targeted for follow up.

Additionally, in the first quarter of 2007, IOT will roll out a publicly accessible version of the ISI to allow the public to view non-sensitive data in the ISI (*e.g.*, the name of the agency, the name of the system, and the types of information collected). We view this as a significant demonstration of this administration's commitment to transparency of state government action.

In conclusion, this report represents the hard work of 66 state agencies. The data collected through this effort is not just statutorily required, but plainly useful, and IOT and ICPR will continue to improve this effort to ensure that state data is properly protected. If you or your staff has any questions or concerns, please do not hesitate to contact me or Jim Corridan.

**TABLE 1**

**Responding Agencies and the Number of Personal Information Systems**

Accounts, State Board of	2	Housing and Community Development Authority, Indiana	5
Adjutant General's Office	1	Indiana Historical Bureau	1
Administration, Department of	17	Inspector General	0
Advisory Commission on Intergovernmental Relations, Indiana	0	Insurance, Department of	6
Agriculture, Indiana State Department of	5	Labor, Department of	5
Alcohol & Tobacco Commission	7	Law Enforcement Academy	2
Animal Health, Board of	2	Library, Indiana State	1
Arts Commission	4	Lieutenant Governor, Office of	2
Budget Agency, State	4	Local Government Finance, Department of	1
Chemist and Seed Commissioner, Office of State	18	Management & Budget, Office of	0
Child Services, Department of	4	Motor Vehicles, Bureau of	6
Civil Rights Commission	6	Natural Resources, Department of	12
Correction, Department of	6	Personnel Department, State	1
Criminal Justice Institute	12	Ports Commission, Indiana	1
Economic Development Corp., Indiana	2	Professional Licensing Agency	1
Education, Department of	3	Proprietary Education, Commission on	2
Educational Employee Relations Board, Indiana	0	Protection and Advocacy Services Commission, Indiana	8
Energy & Defense Development, Office of	2	Public Employees Retirement Fund	2
Enhanced Data Access Review Committee	0	Public Records, Indiana Commission on	0
Environmental Management, Indiana Department of	6	Revenue, Department of	18
Ethics Commission, State	0	Rural Affairs, Office of	2
Fair Commission, Indiana State	6	Rural Development Council, Indiana	2
Family and Social Services Administration	363	School for the Deaf, Indiana	0
Finance Authority, Indiana	1	Stadium and Convention Building Authority, Indiana	0
Financial Institutions, Department of	21	Student Assistance Commission of Indiana, State	11
Gaming Commission	2	Tax Review, Indiana Board of	2
Gaming Research, Department of	0	Teachers Retirement Fund, Indiana State	3
Geologists, Board of	1	Technology, Indiana Office of	2
Grain Buyers and Warehouse Licensing Agency, Indiana	2	Tobacco Use Prevention and Cessation, Indiana	0
Health, State Department of	182	Transportation, Department of	19
Hispanic/Latino Affairs, Indiana Commission on	0	Utility Consumer Counselor, Office of	0
Homeland Security, Indiana Department of	20	Veteran Affairs, Department of	1
Hoosier Lottery	11	Workforce Development, Department of	24