

4/19/2010

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SUBJECT: GENERAL

CHAPTER TITLE: C AND H LEVEL DOH/DOT MEMORANDUMS

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1. PRIVACY REQUIREMENTS-INDIVIDUAL RIGHTS RELATING TO PERSONALLY IDENTIFIABLE INFORMATION-PII

APPENDIX I FORMS

- PII ACCESS REQUEST FORM
  - PII ACCESS REQUEST LOG
  - PII ACCESS RESPONSE FORM
  - PII COMPLAINT FORM
  - PRIVACY OFFICE POST INCIDENT REPORT
2. EQUIPMENT OPERATOR ACCOUNTABILITY POLICY
  3. PROCESSING REQUESTS FOR INFORMATION TECHNOLOGY PURCHASES



WEST VIRGINIA  
DEPARTMENT OF TRANSPORTATION  
1900 Kanawha Boulevard East • Building Five • Room 109  
Charleston, West Virginia 25305-0440 • (304) 558-0444

Joe Manchin III  
Governor

April 1, 2010

MEMORANDUM

TO: C and H Level  
DOH District Engineers/Managers  
DOH Division Directors  
DOT Agencies

FROM: Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

SUBJECT: Privacy Requirements-Individual Rights Relating  
to Personally Identifiable Information - PII

As you are all aware, all executive branch agencies must now comply with the Executive Branch Privacy Policies (Policies) issued last year by the State Privacy Office. Anytime a Department of Transportation (DOT) agency possesses personally identifiable information (PII) about an individual, the agency must ensure that the individual can exercise his or her rights with regard to that information. The Policies give such individuals four rights:

1. The right to access and copy PII;
2. The right to correct PII;
3. The right to complain about PII practices (and the existence of a mechanism to investigate and resolve such complaints); and
4. The right to some form of redress when complaints are not resolved favorably to the individual.

Each of the agency heads met with Cindy Butler and Krista Black to begin discussing how these procedures would operate within your respective agencies.

This Memorandum outlines the procedures I expect the DOT agencies to use in allowing individuals to exercise the above rights. Requests to view or copy documents should be directed to my office so that they may be tracked and directed appropriately by central correspondence. At the discretion of the agency head or appropriate designee, agencies that possess documents containing an employee's personal information at the local level can provide that information to the employee if the proper fee is charged and if the request is not related to known DOH litigation, a grievance or a Freedom of Information Act request. Under these limited circumstances, such requests need not be forwarded to my

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**April 1, 2010**

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office to be distributed by Central Correspondence. Please note that these procedures only apply to documents that contain PII.

**Right to Access and Copy**

Requests sent to my office to access and/or copy documents that contain PII will be distributed by Central Correspondence as defined below.

1. **Documents Containing PII that Relates to DOH Litigation:** All requests for PII relating to pending DOH lawsuits, grievances, or other litigation will continue to be directed to the DOH Legal Division for disposition and handling.
2. **Freedom of Information Act (FOIA) Requests for DOH Documents Containing PII:** All DOH FOIA requests should continue to be directed to the DOH Legal Division for disposition and handling.
3. **Requests for Documents Unrelated to DOH Litigation:**
  - a. **Human Resources Documents unrelated to DOH Litigation (other than the Parkways, Economic Development and Tourism Authority (PEDTA):** When an employee requests documents relating to his or her own workers' compensation claims, insurance, leave balances, employee transactions, and employee training, these requests will be directed to the Human Resources Division for handling if the specific agencies do not keep copies of such information at the local office. This information may not be released to an employee's family member, coworker, or friend without a written, dated, signed release by the employee.<sup>1</sup>
  - b. **Finance Documents (other than PEDTA):** When an employee requests documents relating to his or her own payroll or accounts payable information, these requests will be directed to the Finance Division for handling if the specific agencies do not keep copies of such information at the local office. This information may not be released to an employee's family member, coworker, or friend without a written, dated, signed release by the employee.<sup>2</sup>
  - c. **PEDTA Human Resources and Finance Documents:** Human Resources and Finance PII document requests will be directed to Gregory C. Barr for handling and disposition.
  - d. **Other:** All other requests will be directed to the relevant DOT agency head. Division of Highways requests in this category will be directed to the relevant Division Director or District Engineer/Manager, with a copy to the Legal Division. Should the other DOT agencies require legal advice regarding a privacy issue, they should contact their respective legal counsel.

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<sup>1</sup> Additional, reasonable safeguards may be put into place by the Human Resources Division, at the discretion of the Director.

<sup>2</sup> Additional, reasonable safeguards may be put into place by the Finance Division, at the discretion of the Director.

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**If 10 or fewer pages are copied, the requesting party should not be charged. Copies in excess of that amount should be charged at 50 cents per sheet.**

**Right to Correct**

**If an individual needs to correct his or her PII, a correction form and proof of change will be submitted to the proper agency. Corrections will be made according to the DOT procedures already in place.**

**Right to Complain and to Have Complaints Investigated**

**Complaints regarding DOT privacy practices should be directed to the DOT Privacy Officer, Mr. Steve Edens, at (304) 558-0890. Mr. Edens will evaluate the complaint; conduct an investigation, if necessary; resolve the complaint and advise the complainant and respective DOT agency regarding the outcome, in writing; and advise the respective DOT agency if changes or adjustments to privacy practices are advisable.**

**Right to Redress**

**If a complaint is not handled or resolved favorably to the individual by the DOT Privacy Officer, the individual can forward the complaint to the Secretary of Transportation for further review and handling as he deems necessary.**

**PAM:CB**

**cc: AC, DMV (Steve Edens, DOT Privacy Officer)**

**P11 ACCESS REQUEST FORM**  
**DEPARTMENT OF TRANSPORTATION**  
**DIVISION \_\_\_\_\_**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Please check  Home Address or  Business Address

If business address, please provide company name: \_\_\_\_\_

In order to help us identify systems that may contain information about you, please tell us a bit about your relationship with the Department:

- Employee or contractor
- Family member of an employee or contractor
- Employee of supplier or business partner
- Individual (citizen or consumer)
- Legal Representative of an individual – please provide the individual's name and address and describe your relationship

- Other – please describe

Type of Access Requested:

- Paper Copy (charge of \$0.50 per page may apply)
- Request Access to File

If your record may be under another name, please provide that name and reason for the change:

Please present or include a copy of an identification document that includes your name and address. Your access report will be mailed to the address on your identification document. (Employees may also receive the report from their HR manager.)

Your organization's personnel contact can provide information on how to submit your request.



**PII ACCESS RESPONSE FORM**  
**DEPARTMENT OF TRANSPORTATION**  
**DIVISION \_\_\_\_\_**

Prepared for: \_\_\_\_\_

Delivered to: \_\_\_\_\_

- No Records Found  
*We were unable to locate any information about you in the systems that are accessible.* [if desired, you can list the systems searched]
- A copy of the personal information about you in accessible systems is attached.
- Request to access file is granted. File can be viewed during usual business hours which are \_\_\_\_\_.

If any of your personal information is incorrect, please contact us at the address below and provide an explanation (in writing) of the discrepancy. If your name has changed, please provide proof of the name change (such as a copy of a marriage license or court order showing the change). Return a copy of this form along with change request. We will be happy to update the information for you when proof of correction is received.

Address for Questions or Corrections:

Division Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For Department Use: (List action taken if change was requested - Copy and File)  
(Access responded to within 10 days unless otherwise noted)

Authorized Signature of Person Approving Release: \_\_\_\_\_

PII Complaint Form  
Department of Transportation  
Division \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Please check  Home Address or  Business Address

If business address, please provide company name: \_\_\_\_\_

I have the following complaint/concern with \_\_\_\_\_

(Division or Individual Name)

concerning the handling of my personally identifiable information (PII).

Please detail the complaint in the following area: (additional pages should be attached as necessary)

Please submit complaints to the DOT Privacy Officer, Steve Edens – [Stephen.A.Edens@wv.gov](mailto:Stephen.A.Edens@wv.gov)  
304-558-0890 or mail to Post Office Box 17400, Charleston, West Virginia 25317.

Signature of Person Filing Complaint: \_\_\_\_\_



# PRIVACY OFFICE POST INCIDENT REPORT

[External Unauthorized Disclosure: Mandatory  
Internal Unauthorized Disclosure: Discretionary]

## SECTION I – GENERAL INFORMATION

Name of Person Reporting Incident _____	
Telephone Number _____	Email Address _____
Organization _____	
Report Prepared By: _____	Title _____
Date of This Report: _____	

## SECTION II – PRIVACY INCIDENT INFORMATION

Date of Incident: _____	Date Reported _____
Responsible Organization _____	

## SECTION III – DISPOSITION

<b>Privacy Incident Classification: (check one)</b> <input type="checkbox"/> Internal OR <input type="checkbox"/> External Unauthorized Disclosure
<b>Describe Privacy Incident:</b> Address the following questions (include the names of those involved in the privacy incident.)
<b>Does the organization know when the incident started, how was it detected? If so, indicate date.</b>
<b>Were there controls in place that failed? What conditions allowed the incident to occur?</b>
<b>Who was involved in the response from the organization? What steps were taken to contain the incident?</b>
<b>What was disclosed?</b>

**What is the impact on the affected individuals?**

**What actions were taken by the responsible organization?**

**Privacy Incident Outcome and Recovery: Address the following questions**

**What was the outcome of the incident?**

**Were all required notifications completed, and thoroughly documented?**

**If a theft was involved, is the police report included with this report?**

**Were affected individuals satisfied with the actions taken by responsible organization?**

**To date, have there been resulting legal actions?**

**What measures have been implemented to prevent this incident from occurring in the future?**

**c: State Privacy Officer  
Chief Technology Officer, if applicable  
Cabinet Secretary  
Department Privacy Officer Steve Edens  
Others as appropriate**



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

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Joe Manchin III  
Governor

July 22, 2010

MEMORANDUM

**TO:** Division Directors  
District Engineers/Managers

**FROM:** Jeff Black, Director *JB*  
Human Resources Division

**SUBJECT:** Equipment Operator Accountability Policy

As you may know, the Equipment Operator Accountability Policy went into effect May 4, 2010. This policy replaces the DOH Equipment Operational Review Committee Procedures (Section IV, Chapter 3), and the Commissioner's Order dated October 19, 2005, entitled: Central Equipment Operational Review Committee.

The new policy requires execution of the Equipment Operator Accountability Policy Acknowledgement Statement. This form may be found on the agency's intranet site under DOH Forms.

The statement is to be executed by all current temporary and permanent employees, with the exception of current summer workers, as well as all new hires. Reference to the form is being included in the new employee orientation procedures. The original of the form must be forwarded to the Human Resources Division, and a copy retained in the employee's personnel file at the district/division level.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me.

JB:r

cc: C&H Level



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

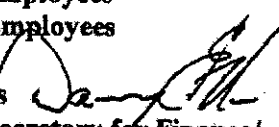
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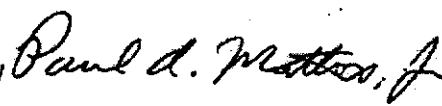
Joe Manchin III  
Governor

September 27, 2007

MEMORANDUM

**TO:** All DOT Employees  
All DOH Employees

**FROM:** Danny Ellis   
Assistant Secretary for Finance/  
DOH Business Manager

**APPROVED:** Paul A. Mattox, Jr., P. E.   
Secretary of Transportation/  
Commissioner of Highways

**SUBJECT:** Processing Requests for Information Technology Purchases

To ensure that everyone understands their responsibilities concerning purchase requests for technology, the following policies are provided.

1. Purchases of information technology equipment, software and services (other than those purchases referenced in the "Purchase of Computer Equipment" letter of September 11, 2007) will only be made through DOT Information Services Division. Exceptions will be determined on a case by case basis.
2. Any consultation with the Office of Technology (OT) will include DOT Information Services Division. Only Information Services Division can request OT to bid or approve any purchase.
3. All requests for technology to DOT Information Services Division must be prior approved by the Agency's Commissioner/Director or DOH "C" and "H" Level, District Engineer/Manager or Division Director. Requests will be addressed to Sush Pakvasa and Alan Cuervo with a copy to Priscilla Neal. Requests must specify what is needed and why and should be submitted by e-mail, including the approvals.
4. Information Services Division will review the merits of each request and consult with appropriate personnel.

The intent of these policies is to ensure that technology purchases are thoughtfully considered and properly coordinated within DOT. If there are any questions, please contact Joe Biancanicello, Director, Information Services Division at (304) 558-9241.

DE:c