

Exhibit XIV-C: Security Policy Statement for Inclusion in Automated Information Systems Contracts

Introduction: This sample statement is for the Contracting Officer to include in all contracts that involve the development of an Automated Information System or the use of Federal Information Processing (FIP) resources.

By accepting this contract, the contractor providing application systems or Federal Information Processing resources to any component of the Department of Health and Human Services (DHHS) agrees to comply with the applicable Automated Information Systems (AIS) security policy as outlined in the Statement of Work. The contractor shall include this requirement in any subcontract awarded under the prime contract. Failure to comply with said requirements shall constitute cause for termination.

A written agreement between (indicate the DHHS component) and any contractor shall be entered into before data and information otherwise exempt from public disclosure may be disclosed to the contractor. (Disclosure statement attached.) The contractor shall agree to establish and follow security precautions considered by (indicate the DHHS component) to be necessary to ensure proper and confidential handling of data and information. This information is more specifically addressed in the DHHS Automated Information Systems Security Program (AISSP) Handbook.

Contractor employees in AIS-related positions must comply with the DHHS criteria for assigning position sensitivity designations. These designations will be determined by the (indicate the DHHS component) Information Systems Security Officer and the (indicate the DHHS component) Project Officer.

Contractor employees assigned to a Level 6C (High Risk) position are subject to a Background Investigation (BI). Contractor employees assigned to a Level 5C (Moderate Risk) position, with no previous investigation and approval must undergo a National Agency Check and Inquiry Investigation plus a Credit Check (NACIC), or possibly a Limited Background Investigation (LBI). Contractor employees assigned to a Level 1C position (Low Risk or Non sensitive) must be subject to a National Agency Check and Inquiry Investigation (NACI).

If contractor employees will have access to classified national security information, more intensive investigations will be required. Contractor employees assigned to a Level 3C (Top Secret) or Level 4C (Top Secret, requiring special security considerations) position must be subject to a Single Scope Background Investigation (SBI). Contractor employees assigned to a Level 2C (Secret or Confidential) position must undergo an LBI.

Table 1 summarizes investigation requirements by position risk level.

Table 1: Required Investigation by Position Risk Level

LEVEL	DESCRIPTION	REQUIRED INVESTIGATION
6C	High Risk Public Trust	BI
5C	Moderate Risk Public Trust	NACIC (or LBI)
3C/4C	Top Secret Access	SBI
2C	Secret/Confidential Access	LBI
1C	Low Risk/Non sensitive	NACI

Contractor employees who have previously met investigative requirements within the past five years may only need to be subject to an updated or upgraded investigation.

Prior to contract award, verification of previous investigations; e.g., copies of certificates of investigation or security clearances must be submitted to:

Director
Personnel Security and Drug Testing Program Division
DHHS 523-B, HHH Building
200 Independence Avenue, S.W.
Washington, DC 20201

**Exhibit XIV-D: Commitment to Protect Privileged Information
Contractor Agreement**

Introduction: This sample is for the Contracting Officer to include in the Statement of Work of a Request for Proposals that involves the development of an Automated Information System or the use of Federal Information Processing (FIP) resources. The statement is to be completed by all contractor employees who may be involved in the performance of contract work.

Access to privileged information from the files of the (indicate the DHHS component) is required in the performance of my official duties, under contract number (indicate the contract number) between (indicate the DHHS component) and my employer, (indicate your company name). I, (indicate your name), on this () day of 19(), hereby agree that I shall not release, publish, or disclose such information to unauthorized personnel, and I shall protect such information in accordance with the provisions of 18 U.S.C. 641, 18 U.S.C. 1905, Public Law 96-511, and other pertinent laws and regulations governing the confidentiality of privileged information.

I understand the provisions of 18 U.S.C. 641, 18 U.S.C. 2071, and Public Law 96-511 and that I am subject to criminal penalties prescribed by law for any violations thereof.

Signed: _____

Date: _____

Witnessed by: _____

Date: _____

Copies are retained by:
(Indicate the DHHS component)
(Indicate your company name)
(Indicate your name)