

## STATEWIDE INFORMATION SYSTEMS POLICY

### Statewide Policy: Internet Privacy and Security

**Product ID: ENT-INT-030**

**Effective Date: February 2002**

**Approved: Scott Darkenwald, Director, Department of Administration**

**Replaces & Supercedes:** This policy supercedes any prior enterprise policies for establishing and implementing information technology (IT) policies and standards.

#### I. Authorizations, Roles, & Responsibilities

Pursuant to the Montana Information Technology Act ("MITA") (Title 2, Chapter 17, Part 5 of the Montana Code Annotated ("MCA"), it is the policy of the state that information technology be used to improve the quality of life of Montana citizens, and that such improvement is to be realized by protecting individual privacy and the privacy of the information contained within the state's information technology systems. §2-17-505(1), MCA. It is also the policy of the state that the development of information technology resources be conducted in an organized, deliberative, and cost-effective manner, which necessitates the development of statewide information technology policies, standards, procedures, and guidelines applicable to all state agencies and others using the state network. It is also anticipated that State information technology systems will be developed in cooperation with the federal government and local governments with the objective of providing seamless access to information and services to the greatest degree possible. §2-17-505(2), MCA.

Department of Administration: Under MITA, the Department of Administration ("DOA") is responsible for carrying out the planning and program responsibilities for information technology for state government (except the national guard), including for establishing and enforcing a state strategic information technology plan and establishing and enforcing statewide information technology policies and standards. DOA is responsible for implementing MITA and all other laws for the use of information technology in state government. The director of DOA has appointed the chief information officer to assist in carrying out the department's information technology duties. §2-17-512, MCA.

Department Heads: Each department head is responsible for ensuring an adequate level of security for all data within their department. §2-15-114, MCA.

## **II. Policy - Requirements**

The State of Montana respects each individual website user's right to privacy. Any personal information that is collected will not be disclosed to any third party except as required by applicable law, unless the website user has expressly permitted the disclosure or "opted in" to allow the disclosure. The purpose of this statement is to inform website users of the use of information that may be collected while they are visiting this or any State of Montana website.

Citizens and businesses are not routinely asked to provide personal information to visit State of Montana websites or to download information. This includes DiscoveringMontana.com as well as agency websites. Government agencies may request personally identifiable information from you in order to provide requested specialized services, but such information is handled as it would during an in-person visit to a government office.

Montana law controls the level of access to personally identifiable information maintained in public records at state and local levels of government. Information that is generally available under Montana law may be posted for electronic access through Discovering Montana and associated agency websites.

### **A. Use Of Constituent Email Addresses**

Email addresses obtained as a result of a request to the state website will not be sold or given to other private companies for marketing purposes unless it is specifically stated when the email address is requested and the user "opts in" to having their email used in the stated fashion. The information collected is subject to the access and confidentiality provisions of Montana Code and Federal law. Email or other information requests sent to a state website may be maintained in order to respond to the request, forward that request to the appropriate agency, communicate updates to the state web page that may be of interest to citizens, or to provide the website designers with valuable customer feedback to assist in improving the site. Individuals will be provided with the ability to "opt in" at any time to receive communication regarding new service updates.

### **B. Transaction Information**

The state uses secured servers for conducting online transactions. All credit card and other payment information that is transmitted is protected by 128-bit encryption technology, provided the website user's browser is properly configured and the user's computer is operating properly.

### **C. Data Security And Quality**

The State of Montana is committed to data security and the data quality of personally identifiable information that is either available from or collected by governmental web sites, and has taken reasonable precautions to protect personally identifiable information from loss, misuse or alteration. Any third parties responsible for this information are committed to the same principles, and

also are required by contract to follow the same policies and guidelines as the State of Montana in protecting this information. Unless otherwise prohibited by state or federal law, rule or regulation, the individual is granted the ability to access and correct personally identifiable information whether or not the information inaccuracy was accidental or created by unauthorized access.

#### **D. Non-State Websites**

Various non-state websites may be linked through Discovering Montana and other state maintained websites. Since the state has no control over these non-state websites, visitors to those sites are advised to check their privacy statements and be cautious about providing personally identifiable information without a clear understanding of how the information will be used. The state accepts no liability for other entities that are linked to the state's websites. Visitors may also wish to consult privacy guidelines such as those recommended by the Online Privacy Alliance.

#### **E. Website Security**

For information security purposes, the computer systems that host Discovering Montana and other state websites employ software programs to monitor network traffic to identify unauthorized attempts to compromise its devices. These attempts to cause damage could be subject to legal action.

#### **F. Criteria**

All government websites that collect personally identifiable information from a website user, will apply the following criteria:

- The website must identify who operates it.
- The website must provide the address and telephone number, as well as an email address, where a contact can be made.
- The website must give a general description of the types of third parties that may obtain the information that is being collected.
- The website must provide the website user the ability to "opt-in" for allowing their information to be used in other ways than for the purpose of the website.

#### **G. Requirements**

Unless there is a statutory exception, the government website must link to this privacy policy. This link will be provided by ITSD. Exceptions to this policy may be obtained from the State Chief Information Officer via the [ITSD Service Desk](#).

## **H. Definitions**

For the purposes of this policy, the following definitions apply:

**Government:** The state which includes the state of Montana or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state and political subdivisions of the state which includes any county, city, municipal corporation, school district, or other political subdivision or public corporation.

**Personally identifiable information:** means individually identifiable information about an individual collected online, including:

- A first and last name
- A residence or other physical address, including a street name and name of a city or town
- An email address
- A telephone number
- A social security number
- Unique identifying information that an Internet service provider or a government website operator collects and combines with any information described above.

### **I. Background - History On The Creation Of Or Changes To This Policy**

This policy was created by ITSD after the enactment of HB 281 and presented for approval to the Electronic Government Advisory Council.

### **J. Guidelines - Recommendations, Not Requirements**

There are no guidelines for this policy.

### **K. Change Control and Exceptions**

Policy changes or exceptions are governed by the Procedure for Establishing and Implementing Statewide Information Technology Policies and Standards. Requests for a review or change to this policy are made by submitting an [Action Request](#) form. Requests for exceptions are made by submitting an [Exception Request form](#). Changes to policies and standards will be prioritized and acted upon based on impact and need.

### **III. Close**

For questions or comments about this instrument, contact the Information Technology Services Division at [ITSD Service Desk](#), or:

Chief Information Officer  
PO Box 200113  
Helena, MT 59620-0113  
(406) 444-2700  
FAX: (406) 444-2701

### **IV. Cross-Reference Guide**

#### **A. State/Federal Laws**

- 2-17-505(1) – Policy
- 2-17-514(1) – enforcement

#### **B. State Policies (IT Policies, MOM Policies, ARM Policies)**

- HB 281 - Governmental Internet Information Privacy Act [2-17-550 through 2-17-553, MCA](#)
- [MOM 3-0130 Discipline](#)
- ARM 2.12.206 Establishing Policies, Standards, Procedures and Guidelines.

#### **C. IT Procedures or Guidelines Supporting this Policy**

- IT Policy and Standard Development and Maintenance Procedure

## V. Administrative Use

Product ID:	ENT-INT-030
Proponent:	Scott Darkenwald, Director, Department of Administration
Version:	1.1
Approved Date:	July 15, 2008
Effective Date:	February 2002
Change & Review Contact:	<a href="#">ITSD Service Desk</a>
Review Criteria:	Event Review: Any event affecting this policy may initiate a review. Such events may include a change in statute, key staff changes or a request for review or change.
Scheduled Review Date:	July 1, 2013
Last Review/Revision:	Reviewed July 11, 2008. Non-material changes are necessary.
Change Record:	July 11, 2008 – Non-material changes made: <ul style="list-style-type: none"><li>- Standardize instrument format and common components.</li><li>- Changed to reflect next review date.</li></ul>