

<b>DOCUMENT:</b> <b>POLICY</b>	<b>DOCUMENT NUMBER:</b> <b>0504</b>	<b>REVISION:</b> <b>ORIGINAL</b>	Page <b>1</b> of <b>6</b>
<b>SUBJECT: Information Technology (IT) Personnel Background Investigations and Employee Confidentiality Statement (ECS)</b>		<b>EFFECTIVE DATE:</b>	
<b>ORIGINATOR:</b>	<b>DATE:</b> Draft - 10/10/00	<b>OFFICE OF MIS:</b>	<b>DATE:</b>
<b>OPERS:</b>	<b>DATE:</b>	<b>SECRETARY OF DHHR:</b>	<b>DATE:</b>

## 1.0 PURPOSE

The purpose of this policy is to establish uniform procedures that will assist the Chief Information Officer (CIO) and the Information Security Officer (ISO) in the conduct and documentation of background investigations of Information Technology (IT) employees, prospective IT employees and IT contractors. This policy is intended to provide guidelines for those who have access to confidential and sensitive information or processing resources within the Department of Health and Human Resources (DHHR).

## 2.0 SCOPE

The following investigative standards have been established for all DHHR IT employees, consultants, contractors and other individuals who require access to confidential or sensitive information and/or processing resources.

However, nothing in these standards prohibits a Bureau or Office from using any lawful investigative procedures in addition to these requirements in order to resolve any issue identified in the course of a background investigation or re-investigation.

## 3.0 APPLICABLE DOCUMENTS/MATERIALS

- 3.1 §61-3C WV Computer Crime and Abuse Act, WV 61-3C-1 through 61-3C-21.
- 3.2 West Virginia Code, Sections 9-2-5 and 49-7-1.

## 4.0 RESPONSIBILITY/REQUIREMENTS

Some employees, by necessity, are placed in positions of exceptional trust and responsibility as it relates to information technologies and sensitive information. These employees are responsible for information security to the degree that the duties of the job require the use of information and associated systems.

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#### 4.1 Positions of Special Trust or Responsibility

4.1.1 The CIO or ISO will establish procedures for reviewing information resource functions to determine which positions require special trust or responsibilities. The review procedures should be based on risk analysis and should consider the following criteria:

4.1.1.1 Whether the assigned duties bring the person occupying the position into contact with information or services which are, or may reasonably be expected to be:

a. Required by law to be kept confidential.

b. Related to security systems, procedures or reports.

c. Required by DHHR to continue its critical information processing activities, whether such information or services are confidential or public.

4.1.1.2 Whether the assigned duties bring the person occupying the position into contact with information resources and/or technology services which are necessary for the continued operation of critical information processing activities.

4.1.1.3 The degree of independence of the position, and whether the individual occupying the position is capable, by acting alone and without further review or approval, to direct or influence the disposition of Departmental assets.

4.1.2 In some cases it may be appropriate for the CIO or ISO to designate IT Civil Service Classifications as being positions of special trust or responsibility. (Attachment "A")

4.1.3 The CIO or ISO may designate locations as sensitive and require appropriate procedures and safeguards for all employees whose duties include access to those areas.

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4.1.4 Background investigations will be made on all persons being considered for positions of special trust or responsibility, for work within sensitive areas, or where their duties will bring them into contact with critical or sensitive information.

#### 4.2 Background Investigations

4.2.1 The CIO and ISO are charged with the responsibility to protect the safety of employees and provide hardware, software and information security for the DHHR. To help meet this obligation, the CIO will require all potential IT employees or contractors to submit to a criminal background investigation as a condition for employment or appointment. This background investigation is incorporated as part of the Department's hiring process.

4.2.2 In addition, where reasonable cause exists, the CIO and/or ISO may require an existing employee or contractor to submit to a criminal background investigation.

4.2.3 The CIO requires that all applicants (new hires) or employees transferring within DHHR or from another state agency who will be appointed to an IT Civil Service Classification (Attachment A) and who have not had a background check (documented) in the past 12 months, must complete a "Record Request Card" (WBSP 39-A). The Bureau and/or Office will then forward this completed card to the CIO for processing at:

OMIS Background Investigation  
Room 313, 350 Capitol Street  
Charleston, WV 25301-3713

4.2.3.1 If an applicant or employee declines to complete and sign the WVSP 39-A, he/she may not be considered for employment. Current employees who decline to sign the release form may be subject to disciplinary action, which could include dismissal from employment.

4.2.4 Each Bureau or Office will be responsible for all fees associated with conducting background investigations for their IT employees, potential

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employees, and/or contractors.

4.3 Conducting the background investigation **will include, but may not be limited to**, the following steps:

4.3.1 Employees/potential employees **will be required to have fingerprints** taken and to sign the WVSP 39-A, **permitting the CIO to request a search** of past and present work history, education, and law enforcement records.

4.3.2 A fully completed "Record Request Card" and a set of fingerprints will be sent by OMIS, to the WV State Police, Criminal Identification Bureau (WVSP CIB) for a statewide criminal background check.

4.3.3 The WVSP CIB **will release their findings** of the investigation to the CIO. Any information **concerning the records** of conviction obtained by the CIO shall be **confidential and may be transmitted only** to the requesting Bureau or Office, and/or the Director of Personnel Services.

4.3.4 Generally, employees and/or contractors will not begin work until they have **successfully completed these background investigations** and have signed the Employee Confidentiality Statement (ECS), (Attachment "B").

4.3.4.1 If the employee or contractor is hired by the Department prior to **completion** of the background check, further work will not be **permitted** if the inquiry reveals conviction of a felony or a misdemeanor in an area which causes concern for the protection of DHHR property or information.

4.3.5 Applicants who have been convicted of a felony, or who have a **misdemeanor conviction** in an area which causes concern for the protection of DHHR property or information, may not be hired by the DHHR.

#### 4.4 Employee Confidentiality Statement (ECS)

4.4.1 All IT applicants and current employees, after having access to and reading the ECS document, the WV Crime and Abuse Act (WV 61-3C-1 through 61-3C-21), and the WV Code (Sections 9-2-5 and 49-7-1), must sign the ECS, certifying that the applicant or employee understands and will abide by the statements contained in the document.

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4.4.2 To facilitate security awareness, as well as an IT employee's special responsibility to safeguard sensitive information and processing resources, the ECS must be reviewed and signed annually. The coverage period is July 1 through June 30 of each year.

4.5 Fulfillment of these security responsibilities is mandatory. Violations of security policies, procedures, and/or requirements may be cause for disciplinary action, up

to and including dismissal, civil penalties, or criminal penalties per the relevant Federal laws or West Virginia statutes.

## 5.0 DEFINITION OF TERMS

5.1 Processing Resources - includes computer software, computer storage, electronic messaging and distributions systems, the Intranet, the Intranet, computer hardware and telecommunications equipment.

5.2 Chief Information Officer (CIO) - is the Director of OMIS and the person responsible for all information resources within the DHHR.

5.3 Information Security Officer (ISO) - is the person designated by the CIO to establish and administer DHHR's information security program.

5.4 WV State Police Criminal Identification Bureau (WVSP CIB) - is located at 725 Jefferson Road, South Charleston, WV, and has been designated by the Secretary of the DHHR to conduct all background investigations for the Department.

5.5 Office of Management Information Services (OMIS) - reports directly to the Secretary and is charged to provide the leadership, innovation and services needed to achieve efficient and effective technology solutions to meet the goals for the DHHR.

5.6 Record Request Card - A card filled out by all prospective and current DHHR employees which includes personal information, as well as the individual's fingerprints. The card is sent to the WV State Police, who search WV law enforcement records.

5.7 Employee Confidentiality Statement (ECS)- An agreement signed annually by

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DHHR employees that obligates those who have access to sensitive and/or confidential information to abide by all rules and regulations regarding the confidentiality of such information.

- 5.8 *Civil Service Classifications* - provide State agencies with basic information on how a job class can be used; including the functions, duties, and minimum qualifications for State government jobs. There are approximately 800 civil service job class titles in WV State government.

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