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SENATE BILL NO. 459

Senate Amendments in [] — February 15, 2010

A *BILL to amend and reenact § 2.2-3800 of the Code of Virginia, relating to the Government Data Collection and Dissemination Practices Act.*

Patron Prior to Engrossment—Senator McEachin

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3800 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3800. (Effective July 1, 2010) Short title; findings; principles of information practice.

A. This chapter may be cited as the "Government Data Collection and Dissemination Practices Act."

B. The General Assembly finds that:

1. An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;

2. The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;

3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections are endangered by the misuse of certain of these personal information systems; and

4. In order to preserve the rights guaranteed a citizen in a free society, legislation is necessary to establish procedures to govern information systems containing records on individuals.

C. Recordkeeping agencies of the Commonwealth and political subdivisions shall adhere to the following principles of information practice to ensure safeguards for personal privacy:

1. There shall be no personal information system whose existence is secret.

2. Information shall not be collected unless the need for it has been clearly established in advance.

3. Information shall be appropriate and relevant to the purpose for which it has been collected.

4. Information shall not be obtained by fraudulent or unfair means.

5. Information shall not be used unless it is accurate and current.

6. There shall be a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination.

7. There shall be a clearly prescribed and uncomplicated procedure for an individual to correct, erase or amend inaccurate, obsolete or irrelevant information.

8. Any agency holding personal information shall assure its reliability and take precautions to prevent its misuse.

9. There shall be a clearly prescribed procedure to prevent personal information collected for one purpose from being used for another purpose.

10. The Commonwealth or any agency or political subdivision thereof shall not collect personal information except as explicitly or implicitly authorized by law.

D. Notwithstanding subdivision C 9 of this section, the agencies set forth in subdivisions D 1 through D 11 are authorized to share data from within their respective databases solely to provide the workforce program evaluation and policy analysis required by subdivisions A 8 and A 10 (i) of § 2.2-435.7, and to conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements. Such data shall be de-identified and utilized to create one-time restricted-use data sets. Requirements for use of de-identified data to study and evaluate workforce programs shall include but not be limited to: (i) the generation of a random identifier for each record, stripping the record of the personally identifiable information in the record, including social security number, name, and date of birth; (ii) the creation of an algorithm constructed so that it will be impossible to use the random identifier to re-create the data elements that were used to generate it, so that each agency will have a database of customer information stripped of all elements that might permit an outside party to determine the identity of any person in the database; (iii) that upon receipt of the de-identified data, the Governor or his designee shall merge the files, strip the identifiers from the resultant records and attach a new random identifier to render the data usable for analysis by the Governor or his designee; (iv) that the Governor or his designee and all authorized agencies set forth shall destroy merged data files when the required analysis is complete; and (v) the transfer of all data via secure electronic channels. The Governor or his designee may retain a third-party entity to assist with the evaluation and analysis. The authorized agencies and specific work for programs include:

1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and Veterans

ENGROSSED

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- 60 *Employment Training Programs;*
61 2. *Virginia Community College System: Postsecondary Career and Technical Education, Workforce*
62 *Investment Act Adult, Youth and Dislocated Worker Programs;*
63 3. *Department of Rehabilitative Services: Vocational Rehabilitation;*
64 4. *Department for the Blind and Visually Impaired: Vocational Rehabilitation;*
65 5. *Department of Education: Adult Education and Family Literacy, Special Education, and Career*
66 *and Technical Education;*
67 6. *Virginia Department for the Aging: Senior Community Services Employment Program;*
68 7. *Department of Labor and Industry: Apprenticeship;*
69 8. *Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative*
70 *for Employment Not Welfare;*
71 9. *Department of Business Assistance: Virginia Jobs Investment Program;*
72 10. *Department of [~~Corrections~~ Correctional Education] ; Career and Technical Education*
73 *Programs; [and]*
74 11. *Department of Juvenile Justice: Youth Industries and Institutional Work Programs [; and*
75 12. *The State Council of Higher Education for Virginia] .*