

	<h1>CORPORATE POLICY</h1>	Number: <b>EC&amp;F 2.0</b> Owner: <b>Governance, Compliance &amp; Privacy</b> Type: <b>Ethics, Compliance &amp; Fraud</b> Effective Date: <b>10/2022</b>
Title <b>PRIVACY &amp; CONFIDENTIALITY</b>		

## SECTION 1 – PURPOSE

- To fulfill State Fund’s legal duty to protect the privacy rights of our Workforce members, policyholders, injured workers, and third parties.
- To establish the framework for authorized collection, access, use, and sharing of personal or confidential information.

## SECTION 2 – POLICY STATEMENTS

In its normal business operations, State Fund accesses, creates, and collects personal and confidential information about policyholders, injured workers, and third parties.

As an employer and contractor for services, State Fund also collects and keeps personal and confidential information about its Workforce.

### 2.1 Information Practices

State Fund’s business operations follow the Federal Trade Commission’s [Fair Information Practices Principles](#) when it applies.

#### 2.1.1 Notice and Awareness

##### State Fund:

- Workforce members are responsible for understanding:
  - [Laws](#) and [policies](#) that define personal/confidential information.
  - Disclosure standards applicable to the information to which they have access and use.
- Requires a clearly defined purpose when personal information is collected and disclosed.

#### 2.1.2 Consent and Choice

##### State Fund:

- Requires its Workforce members to use personal information only for the specific purpose collected.
- Requires consent from data owners when personal information is used for purposes other than when the information was originally collected.

#### 2.1.3 Access

##### State Fund:

- Requires its Workforce members to access, view, and disclose personal information State Fund possesses only as permitted by law or policy and as necessary to perform their job duties.

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- Provides a way for employees, policyholders and injured workers to modify or correct personal information that State Fund keeps about them.

#### **2.1.4 Data Integrity and Security Measures**

##### **State Fund:**

- Requires its Workforce members to protect personal information by methods that restrict access, destruction, use, modifications, or disclosure.
- Discloses personal information to its Workforce only as needed to perform business or meet its legal obligations.
- Does not disclose, sell, trade, or otherwise transfer customer or third-party personal information to others for any third party's commercial purposes.
- May disclose personal information when the law requires.

#### **2.2 State Fund Workforce Responsibilities**

Each [State Fund Workforce](#) member must:

- Limit the use of personal or confidential information to business needs.
- Report as soon as possible the suspected unauthorized disclosure of personal or confidential information.
- Electronically certify that they have read and understand this Policy when they acknowledge State Fund's Code of Conduct.

##### **2.2.1 Reporting Privacy/Confidentiality Incidents**

Report suspected unauthorized access, use, or disclosure of personal and confidential information through the Privacy Hotline 24/7 by toll-free phone at **(888)254-4301** or online, or directly to [PrivacyOffice@scif.com](mailto:PrivacyOffice@scif.com). Anonymous reporting is available.

#### **2.3 Use of State Fund Computer Systems**

Use of State Fund computer systems for the transmission of personal and confidential information for non-State Fund business purposes is prohibited except for:

- Accessing State Fund sponsored programs and State websites, which are considered business related activities and classified as "[State Fund business purposes](#)". Websites related to these activities may be accessed using State Fund equipment.
- Minimal and incidental personal use in compliance with applicable memorandums of understanding (MOUs).
- Personal electronic devices and personal accounts must not be used to send or receive [Writings](#) during the course of conducting State Fund business, except as directed or allowed by State Fund.

#### **2.4 No Expectation of Privacy for State Fund Property and Information Systems**

##### **State Fund:**

- Controls or owns records created, stored, or transmitted with its Information Systems, unless contract or law provides otherwise.
- Has the right to:
  - Access
  - Review
  - Inventory

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- Monitor and
  - Use
- any records, property, and information stored, generated, or communicated through its Information Systems or at its locations without notice to Members as federal and state law allows.

#### **2.4.1 Information Stored**

State Fund Workforce members cannot expect personal privacy for information stored or transmitted on or through State Fund Information Systems or stored at property owned by State Fund.

### **2.5 Use of Anonymized or Aggregated Information**

#### **State Fund:**

- May use information about Workforce members, policyholders, injured workers, or third parties for statistical research or reporting purposes.
- Will ensure publicly disclosed results or reports exclude personal information.

### **2.6 Investigation Cooperation**

#### **State Fund:**

- Cooperates with law enforcement agencies investigating suspected illegal use of State Fund resources.
- May release information to law enforcement agencies without notice to customers or third parties as allowed by law or valid legal order.
- Reports any activity it reasonably believes fraudulent or otherwise illegal to law enforcement agencies along with relevant private/confidential information.

### **2.7 Privacy Shield Statement**

State Fund aligns its practices with the data protection principles of the [EU-U.S. Privacy Shield Framework](#) when consistent with State Fund business needs and operations.

## **SECTION 3 – APPLICABILITY, SCOPE, & BASIS**

The policy applies to all members of the State Fund Workforce.

### **3.1 Related Laws and Regulations**

Complete text of the California statutes is available at: [leginfo.legislature.ca.gov/](http://leginfo.legislature.ca.gov/)

Complete text of the California regulations listed below is available at: [ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome](http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome)

Cal. Bus. & Professions Code, §§ 22575-22579, Online Privacy Protection Act of 2003;  
 Cal. Civil Code, §§1798 et seq., Information Practices Act of 1977  
 Cal. Financial Code, §§ 4050, et seq., California Financial Information Privacy Act  
 Cal. Government Code, §§ 7920.000 et seq., California Public Records Act  
 Cal. Insurance Code, §§ 791 et seq., Insurance Information and Privacy Protection Act  
 Cal. Code of Regulations, Title 10, §§ 2689 et seq., California Privacy Regulations

## **SECTION 4 – AUTHORITY**

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The Chief of Internal Affairs is responsible for policy assurance and oversight. The Governance, Compliance & Privacy Program Manager is the policy owner responsible for complying with, updating, and enterprise monitoring of this Corporate Policy.

**State Fund’s Privacy Office** has the authority to:

- Respond to privacy concerns, questions, and complaints from all sources.
- Develop, coordinate, and maintain State Fund’s Privacy Incident Response Plan.
- Notify affected persons as necessary.
- Develop and deploy programs to prevent and detect privacy incidents.
- Monitor handling of personal information by State Fund business units.

## **SECTION 5 – RELATED CORPORATE POLICIES**

EC&F 2.1 Complaint Reporting and Anti-Retaliation

EC&F 2.5 Intellectual Property

GOV 1.4 Records and Information Management

IT 6.1 Information Security

Related Corporate Policies can be found: Corporate Policy Library

## **SECTION 6 – DEFINITIONS**

**Confidential Information** – Information about State Fund, a State Fund Workforce member, State Fund policyholder or Injured worker, or a third party that is not generally known or is otherwise legally protected.

**Devices** – Devices include: computer equipment, telephones, voice mail, fax machines, wireless devices, cell phones, copiers, scanners, Global Positioning System (GPS) trackers, and any other similar means of communication technology currently in use. Information formats include: oral; electronic; telephonic; magnetic; video; audio; or paper.

**EU-U.S. Privacy Shield Framework**- The framework based on Privacy Principles issued by the U.S. Department of Commerce in conjunction with the European Commission (EU) to foster, promote, and develop international commerce.

**Fair Information Practices Principles** – Principles adopted at the national level guiding the collection, use, and safeguarding of personal information.

**Information System** – An organized collection, storage, processing, and presentation system of data and other knowledge for decision-making, reporting, and planning and evaluating programs. It can be either manual or computerized, or a combination of both.

**Personal Information** – Information that can be used alone or with reference to another source to identify, contact, or locate an individual. Personal information does not include publicly available information lawfully made available to the general public from federal, state, or local government records.

**Personal Information** includes, but is not limited to:

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**For any individual:** Information, which alone (e.g. no reference to another source is needed), or in combination with an individual's name if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

o **Examples under California law:**

Includes without limitation: An individual's name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information, tax identification number, military identification number, any other government-issued identification number, biometric data from measurements or technical analysis of characteristics used for authentication, such as fingerprints, retina patterns, or iris images.

**For Policyholders:** Any individually identifiable information gathered in connection with an insurance transaction from which judgments can be made about an individual's character, habits, avocations, finances, occupation, general reputation, credit information or any other personal characteristics.

**Property** – Objects, devices, information, or material found in State Fund information systems or at its locations. Locations include:

- Buildings owned, occupied, leased or rented by State Fund
- Desks, filing cabinets, and other physical storage equipment
- State Fund-owned or -issued vehicles

**State Fund Workforce** – The term "State Fund Workforce" is used herein solely for purposes of describing a collective group of people working at State Fund, including Board members, officers, employees, and non-employees. No employer-employee or agency relationship is intended or created by using the term. Using the term has no impact on State Fund's relationships with consultants or independent contractors.

**State Fund Business Purposes:**

**State Fund sponsored activities** –include Savings Plus, Employee Benefits, Tuition Reimbursement, Wellness, Employee Engagement, Employee Emergency Notification (EEN), State Fund Store, Strategic Alliance partners (American Cancer Society, Kids Chance California).

**State of California Websites-** include CA Department of Human Resources (CalHR), CA Public Employees Retirement System (CalPERS), and CA State Controller's Office

**Valid Legal Order** – A court-issued order or one that has other legal force.

**Writings**– Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

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## SECTION 7 – HELP & ADVICE

For help and advice regarding this Corporate Policy, privacy and security issues or Privacy & Confidentiality procedures, contact the Governance Department's Privacy Office at [PrivacyOffice@scif.com](mailto:PrivacyOffice@scif.com) or toll-free during business hours at **1-888-724-3237**.

## SECTION 8 – REVIEW HISTORY

Review Date	Action Date	Action	Section(s) Revised	Effective Date
05/06/2011	05/06/2011	Final QA –dept. change	New	05/2011
04/30/2012	04/30/2012	Annual Review. Added 2.2.1 <i>Private Information Collection &amp; Use</i> ; 2.2.6 <i>Safeguards</i> ; In 2.3.2 added “stored or transmitted on or through State Fund Information Systems” Moved section 2.4 <i>State Fund PrivacyOffice</i> to section 4 - <i>Authority</i>	2.2.1; 2.2.6; 2.3.2; 4	07/2012
02/28/2013	02/28/2013	Annual review: alignment with Fair Information Practices Principles; compliance notice revision	2 and 6	03/2013
04/11/2017	06/20/2017	Annual Review: Added additional Fair Information Practices Principles, updated definitions of personal information to align with Civil and Insurance Codes.	2 and 5	09/2017
06/20/2017	06/20/2017	PAG review and approval	2 and 5	09/2017
07/03/2017	07/03/2017	Executive approval	2 and 5	09/2017
08/29/2017	08/29/2017	Board approval	2 and 5	09/2017
10/30/2019	10/30/2019	Annual Review: Added 2.3 Section; Use of State Fund equipment in IT 6.1 Corporate Policy Section 6: Added data elements to the definition of personal information, AB 1130	2.3 and 6	01/2020
11/07/2019	1/10/2020	PAG Review and Approval	2.3 and 6	01/2020
01/17/2020	01/17/2020	PM Approval	2.3 and 6	01/2020
01/17/2020	01/17/2020	Executive Approval	2.3 and 6	01/2020
02/10/2020	02/10/2020	Link refresh, update Confidential & Personal Information definition	5 and 6	01/2020
10/12/2020	10/12/2020	Link refresh	3	01/2020
08/15/2022	08/15/2022	BU Review	Comprehensive	10/2022
08/18/2022	08/18/2022	PAG and PM Approval	2.3	10/2022
01/05/2023	01/05/2023	Update Related Laws and Regs CPRa Recodification	3.1	10/2022