




RETIREMENT BOARD POLICY AND REFERENCE MANUAL

SUBJECT: CONFIDENTIALITY POLICY	Section: 2-40 Date Adopted/Revised: 10/12/2011
SYSTEM(S): JOINT	Approved:  Retirement Administrator

PURPOSE

Board Members and Staff of the City of Fresno Retirement Systems (CFRS) have a fiduciary duty to ensure that proper safeguards are in place to prevent the unauthorized disclosure of Confidential Information.

The purpose of this policy is to provide guidance to enable CFRS to meet its obligation to protect the privacy of its members, retirees and beneficiaries and comply with all legal requirements.

POLICY

It is CFRS' policy to protect the privacy and confidentiality of CFRS' records and other Confidential Information from unauthorized use, disclosure or identity theft and to take swift corrective action in the event of a suspected or actual breach of confidentiality.

DEFINITIONS

"Confidential Information" is information obtained or created by CFRS which is determined by CFRS to be restricted as to access, disclosure or use. It may be found in any medium, whether oral, written, or electronic and includes Personal Information.

"Personal Information" is any non-public information that is identifiable to an individual, such as an individual Social Security Number. It may also be the individual's address or banking information, or it may be health information, such as medical history. It may also be information which is private in nature, such as the identity of the person designated by the member as the member's beneficiary. It includes any information provided by the member to the Board or CFRS and any information contained within the member records.

"Personal Representative" is a person designated by a member, retiree or beneficiary, in writing, to receive Confidential Information concerning the member or beneficiary. The

designation must be in writing and received by CFRS prior to providing any information to the Personal Representative. A power of attorney is one form but not the only form of designation for a personal representative.

PROCEDURE

In compliance with CFRS' Confidentiality policy to protect the privacy and confidentiality of CFRS' records and other Confidential Information, Board Members establish the following guidelines for the dissemination of information:

1. CFRS will take appropriate steps to ensure the privacy of Confidential Information, including controls on:
 - a. Who can access the information;
 - b. How the information is used;
 - c. How it is obtained, stored and shared; and,
 - d. How it is eventually discarded.

2. The following are internal controls implemented to ensure privacy of Confidential Information:
 - a. CFRS will maintain internal written procedures which provide guidance for the handling of Confidential Information. The procedures will address the controls identified in the preceding paragraph. These procedures will be provided to all Board Members, staff and third party employees (including temporary employees) who have access to Confidential Information. CFRS will periodically review its written procedures to ensure they continue to address all relevant laws and risks inherent in the handling of Confidential Information.
 - b. CFRS will train all new Board Members and staff upon entry and all existing Board Members and staff periodically, as needed, on privacy and confidentiality policies and procedures. Staff and Board Members who have access to Confidential Information will be required to execute a confidentiality/nondisclosure agreement.
 - c. CFRS will maintain, as needed, proper contractual agreements with third parties working on behalf of CFRS, including nondisclosure/confidentiality agreements, to ensure Confidential Information is protected from disclosure.
 - d. CFRS staff overseeing the work of any third party, including temporary employees, will ensure that third party employees and/or temporary employees are trained, as needed, on privacy and confidentiality policies and procedures and that any third party employees or temporary employees with access to Confidential Information execute a confidentiality/non-disclosure

agreement. CFRS will obtain a written authorization from the Member, retiree or beneficiary before disclosing confidential information to third parties other than third parties working on behalf of CFRS or to those who require the information under applicable law or court order.

- e. CFRS is committed to data security and the quality of information that is contained within the CFRS computer systems and will take reasonable precautions to protect such information from loss, misuse or alteration by the use of "secure data networks" protected by security measures and systems including firewalls, data encryption, user authentication, anti-virus and password protection functionality. CFRS will regularly test the protections in place to ensure their continuing effectiveness.
 - f. The Retirement Administrator will designate a staff member to monitor compliance with this policy and applicable laws. The designee will coordinate with CFRS staff and contractors to ensure collaboration on information security and confidential information issues.
3. All CFRS Board Members and staff will ensure that Confidential Information is not disclosed to anyone other than:
- a. CFRS staff members who have a need for the information for purposes of administration of the system;
 - b. A member, retiree, beneficiary or their Personal Representative with respect to matters relevant to them;
 - c. Any authorized third party working on behalf of CFRS who has a need for the information for purposes of administration of the system, such as a doctor or other consultant who requires information from the member records to render an opinion on a disability application; or
 - d. The City, where disclosure of the information requested does not violate the Member's privacy rights.
 - 1) All requests for Confidential Information concerning a member from the City will be reviewed by the Retirement Administrator and forwarded to CFRS' Legal Counsel for evaluation and appropriate response. If Legal Counsel determines the information should be provided, Legal Counsel will contact the appropriate staff member of CFRS to ensure the information is provided in a timely manner.
 - 2) Legal Counsel will apply the following general principles in responding to the City of Fresno's request for Confidential Information:

