



**State of Wisconsin**  
**Department of Employee Trust Funds**  
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SECRETARY

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***Correspondence Memorandum***

**Date:** October 14, 2015  
**To:** Deferred Compensation Board  
**From:** Lucas Strelow, Policy Advisor, Office of Policy, Privacy & Compliance  
Steve Hurley, Director, Office of Policy, Privacy & Compliance  
**Subject:** Policy on Privacy of Personal Information

**Staff requests the Deferred Compensation Board (Board) approve the attached policy on Privacy of Personal Information. The policy was approved by the Employee Trust Funds, Wisconsin Retirement, and Teachers Retirement Boards on September 24, 2015.**

In the course of regular duties, Board members may encounter the personal information of members, dependents, beneficiaries and other related individuals. For example, Board members may encounter personal information in closed session meetings on matters under appeal. ETF recommends the Boards approve the attached privacy policy affirming that Board members will hold confidential all personal information.

The Boards are both fiduciaries and governing bodies with authorized powers and duties under Chapter 40. Therefore, a clear and formalized privacy policy is a prudent and important step in board governance best practices. Once approved, the policy will be included in the Board Governance Manual.

Staff will be at the Board meeting to answer any questions.

Attachment A: Privacy of Personal Information Policy

Reviewed and approved by Pamela Henning, Assistant Deputy Secretary

Electronically Signed  
10/21/15

Board	Mtg Date	Item #
DC	11.3.15	11A



## DEFERRED COMPENSATION BOARD

# PRIVACY OF PERSONAL INFORMATION POLICY

### STATEMENT OF POLICY

Board members will safeguard from unauthorized use and disclosure all personal information<sup>1</sup> of members, beneficiaries, dependents and other individuals, encountered while in the performance of and in relation to Board duties, in accordance with the Boards' fiduciary responsibility and state and federal privacy statutes.

### BACKGROUND

The Boards, as fiduciaries of the Trust provided authority under Chapter 40 of the Wisconsin Statutes and governing bodies for the Department of Wisconsin Employee Trust Funds, are subject to the privacy restrictions under Wis. Stat. 40.07 Records relating to release of Individual Personal Information. Section 40.07 of the statutes states that Individual Personal Information in the records of the department is not a public record and shall not be disclosed except as provided in the section. Individual Personal Information held by the Department and encountered by Board members is not a public record and must remain confidential unless an exception applies.

In addition, the department is required under federal law to protect member medical information under the Health Insurance Portability and Accountability Act (HIPAA). Protected Health Information under HIPAA is a subset of Individual Personal Information already protected under 40.07, but noncompliance in the disclosure of Protected Health Information is subject to federal penalties.

### EXAMPLE DUTIES WITH POTENTIAL PERSONAL INFORMATION

Member information is most often encountered during the appeals process, but may potentially arise under other closed session meetings. Member personal information should never be provided in open session.

### EXAMPLE PERSONAL INFORMATION

Personal information covered under this policy is any information that can be used alone or in addition to other available information to identify an individual, including relatives, employers, dependents, beneficiaries or household members. Example identifiers include: name, ETF ID, Social Security number, birth date, address, event dates, telephone number and disability status.

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<sup>1</sup> "Personal Information" includes Individual Personal Information (ETF 10.70) and Medical Records (ETF 10.01 (3m)) under Wis. Stat. 40.07, and Protected Health Information under HIPAA's Privacy Rule 45 CFR 160.103.