



STATE OF WISCONSIN
Department of Employee Trust Funds
 Robert J. Conlin
 SECRETARY

Wisconsin Department
 of Employee Trust Funds
 PO Box 7931
 Madison WI 53707-7931
 1-877-533-5020 (toll free)
 Fax 608-267-4549
 etf.wi.gov

Correspondence Memorandum

Date: February 22, 2019

To: Employee Trust Funds Board
 Teachers Retirement Board
 Wisconsin Retirement Board

From: Laura Patterson, Policy Analyst, Office of Policy, Privacy & Compliance

Subject: Non-Substantive Updates to the Privacy of Personal Information Policy and Vendor Procurement Appeals Policy

This memorandum is for informational purposes only. No Board action is required.

ETF has made minor updates to the following Board policies after a recent review for compliance, errors and consistency. Changes include formatting, minor text changes and updates to hyperlinks and cited statutes. ETF will continue to periodically review Board policies and will apprise the Boards of any changes.

Privacy of Personal Information Policy (Attachment 1 & 2)

The Privacy of Personal Information Policy requires board members to safeguard from unauthorized use and disclosure all personal information of members, beneficiaries, dependents and other individuals encountered while in the performance of and in relation to Board duties, in accordance with the Board's fiduciary responsibility and privacy statutes.


Vendor Procurement Appeals Policy (Attachment 3 & 4)

The Vendor Procurement Appeals Policy outlines the handling of vendor appeals of procurement awards made by the Board, as authorized under Chapter 40.

Copies of the policies are attached. Staff will be at the Board meeting to answer any questions. Draft non-redline policies are included in the materials for ease of reading purposes.

- Attachment 1: Redline Privacy of Personal Information Policy
- Attachment 2: Non-Redline Privacy of Personal Information Policy
- Attachment 3: Redline Vendor Procurement Appeals Policy
- Attachment 4: Non-Redline Vendor Procurement Appeals Policy

Reviewed and approved by Steve Hurley, Director, Office of Policy, Privacy, and Compliance



Electronically Signed 3/12/19

Board	Mtg Date	Item #
JM	3.21.19	3D2
ETF	3.21.19	5D2



EMPLOYEE TRUST FUNDS BOARD, TEACHERS RETIREMENT BOARD & WISCONSIN RETIREMENT BOARD

Adopted: September 24, 2015

PRIVACY OF PERSONAL INFORMATION POLICY

STATEMENT OF POLICY

Board members will safeguard from unauthorized use and disclosure all personal information¹ 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.

¹ "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

For ETF internal use:

Adopted*	Deferred Compensation Board Reviewed or Revised	Group Insurance Board Reviewed or Revised	Retirement Boards (ETF, TR, WR) Reviewed or Revised
9/24/2015	3/7/2019	5/16/2018	9/24/2015

*Individual board policies may vary.



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Employee Trust Funds Board

Adopted: September 20, 2012
Revised: September 24, 2015

VENDOR PROCUREMENT APPEALS POLICY

CONTRACTING AUTHORITY: WIS. STAT. § 40.03(1)(c)

PHASE ONE: Notice of Intent to Appeal Received by the ETF Board c/o ETF Secretary

1. The ETF Board (Board) authorizes ETF staff to issue the "Intent to Award" to the successful bidder.
2. ETF staff issue the Intent to Award to the successful bidder and notify all firms who submitted a bid.
3. A vendor who wants to appeal the award **MUST** send a written notice indicating that the vendor intends to appeal the decision. The vendor must send the notice to the Board, c/o the Secretary of ETF, within five business days after the Intent to Award notice is sent.
4. Upon receiving the written intent to appeal from the vendor, the ETF Secretary will forward the notice to all Board members.

PHASE TWO: Formal Appeal Received by the ETF Board c/o ETF Secretary

5. Within ten business days from the issuance of the Intent to Award, the vendor **MUST** submit the formal appeal in writing to the Board, c/o the Secretary of ETF.
6. The appeal must state the contract number, detailed factual grounds for the objection to the contract award, and any violations of Chapter 40, Wisconsin Statutes.
7. The Secretary will forward the formal appeal to the Board.
8. If the vendor withdraws the intention to appeal or does not follow up within ten business days with a formal appeal, the ETF Secretary will notify the Board that the matter is adjudicated and no Board action is required.
9. All communications and documentation will be maintained with the procurement file.
10. The ETF Secretary will direct ETF General Counsel and the ETF Director of the Bureau of Budget, Contract Administration & Procurement to investigate the alleged violation of Chapter 40.
11. The Secretary will forward the results of the investigation to the Board and include a recommendation to the Board as well as legal and factual support for the recommendation.

PHASE THREE: Board Decision

- 12. The Board will review the appeal and ETF's recommendation.
- 13. The Board will render a decision. For most appeals, the options available to the Board are: rescind the original Intent to Award and direct staff to issue the award to a different bidder, rescind the original Intent to Award and direct staff to terminate the procurement, or deny the appeal and proceed with implementing the original decision.
- 14. Following Board action, a written decision will be sent to the vendor. The vendor is allowed one appeal per procurement contract or process.
- 15. For appeals of procurement awards made under Chapter 40, the ETF Board's decision is final.

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