

KENTUCKY RETIREMENT SYSTEMS DISCLOSURE POLICY

Approval Date: August 17, 2006

INTRODUCTION

Adoption of Procurement Policy:

Pursuant to the provisions of KRS 61.645, the Board of Trustees (“Board”) of the Kentucky Retirement Systems (“KRS”) is permitted to adopt procedures necessary to conduct the business of the Retirement Systems as needed.

Statement of Disclosure Policy:

KRS recognizes that the privacy and financial security of its members is increasingly at risk due to the ever more widespread collection of personal information. KRS also recognizes that the crime of identity theft is on the rise in the United States and victims of this crime must act quickly in order to minimize the degree of damage. Thus, KRS further recognizes the need to protect the personal information of its members and to notify them expeditiously of possible misuse of their personal information.

Purpose:

The purpose of this Disclosure Policy is to: a) provide safeguards for the protection of the personal information of KRS members; b) provide procedures for the notification of members when it appears that the members’ personal information was disclosed to an unauthorized person; and c) provide the manner in which this notification shall take place.

DEFINITIONS

The following definitions and terms used in this Policy shall be applicable whenever used herein:

1. “Member” means all persons participating in the Kentucky Employees Retirement System (“KERS”), County Employees Retirement System (“CERS”), and State Police Retirement System (“SPRS”), whether such participation is current or former, so long as the individual’s personal information remains on file at KRS.
2. “Personal Information” means a member’s first name or first initial and last name in combination with any one or more of the following data elements, when the name or data element is not encrypted or redacted:
 - A. Social Security number,
 - B. Driver’s license number,
 - C. Pin Number permitting access to the member’s account, and/or
 - D. Medical Information.

This shall not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

3. “Medical information” means any individually identifiable information, in electronic or physical form, regarding the individual’s medical history, treatment, or diagnosis by a health care professional.

4. “Breach of the security of the system” means the compromise of the security, confidentiality, or integrity of computerized and/or printed data that results in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of and access to personal information maintained by KRS. This shall not include the good faith acquisition of personal information by an employee or agent of KRS for the legitimate purposes of the business of KRS if the personal information is not otherwise used or subject to further unauthorized disclosure.
5. “Person” means any business, individual, organization or group of individuals.

PROCEDURES FOR SAFEGUARDING INFORMATION

- A. Pursuant to Kentucky Revised Statute 61.661, KRS shall administer each current, former, or retired member’s account in a confidential manner and specific data shall not be released unless authorized by the member.
- B. KRS shall take all reasonable steps to ensure the protection of the personal information of its members.
- C. Records that are no longer to be retained by KRS that contain personal information shall be destroyed or archived in the appropriate manner.
- D. This shall not include records that are required to be filed with local, state or federal authorities, other government agencies, and/or other approved service providers.

PROCEDURES FOR NOTIFICATION OF DISCLOSURE

- A. KRS shall, following the discovery of a breach of the security of the system containing personal information, notify any member whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.
- B. This disclosure shall take place as soon as reasonably possible following discovery of a breach of the security of the system by KRS, consistent with any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the system.
- C. The notification required by this section may be delayed if KRS or a law enforcement agency determines that the notification will impede an internal investigation or a criminal investigation.
- D. Should a delay be required under section (C), the notification required by this section shall be made after KRS or the law enforcement agency determines that it will not compromise the investigation.
- E. Notification is not required if after a reasonable investigation, KRS determines that there is no reasonable likelihood of harm to its members.

MANNER FOR NOTIFICATION OF DISCLOSURE

- A. Notification may be provided by one of the following methods:
 - (1) Written notice, or
 - (2) Substitute notification.
- B. Substitute notification shall be permissible only if KRS determines that the cost of providing notification would exceed \$100,000, that the affected number of members

- would exceed 150,000, or that KRS does not have sufficient contact information to notify the member(s) by other means.
- C. Substitute notification shall consist of all of the following:
- (1) Conspicuous posting of the notification on KRS' web site,
 - (2) Notification by statewide media, and
 - (3) Newsletter to the membership.

ETHICS

All contact with members' personal information shall conform to the Executive Branch Code of Ethics as set forth in KRS Chapter 11A.