

**State of California
Department of Technology
Office of Information Security**

Privacy Statement and Notices Standard

SIMM 5310-A

September 2022

REVISION HISTORY

REVISION	DATE OF RELEASE	OWNER	SUMMARY OF CHANGES
Initial Release	September 2013	California Information Security Office (CISO)	New Standard
Minor update	March 11, 2014	CISO	Page 1 reference to SAM 5365.2 corrected to SAM 5310.1
Minor Update	January 2018	Office of Information Security (OIS)	Office name change
Minor Update	December 2019	Office of Information Security (OIS)	Added missing legal citations for Notice on Collection.
Minor Update	March 2021	Office of Information Security (OIS)	Added missing legal citations and information.
Minor Update	September 2022	Office of Information Security (OIS)	Additional resource information and clarification.

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I. INTRODUCTION

This standard contains the requirements to be applied by all state entities, and state entity personnel responsible for collecting and managing personal information. The standard covers the requirements for a state entity's Privacy Policy Statement, which is a general statement of the entity's policies regarding the handling of personal information, as well as Privacy Notices on Collection, which accompany each form used to collect personal information and provide specific details on the policies and laws related to the information collected.

II. USER RESPONSIBILITIES

Information asset users shall adhere to the requirements in this standard, to all declarations made in the state entity's Privacy Policy Statement and the individual Privacy Notices on Collection, and to all choices made by individuals in response to options provided by the state entity regarding the handling of their personal information.

III. PRIVACY POLICY STATEMENT REQUIREMENTS

The requirements below apply to a state entity's Privacy Policy Statement, which is mandated in State Administrative Manual (SAM) 5310.1, Statewide Information Management Manual (SIMM) 5300-A, Government Code sections 11015.5 and 11019.9, and Civil Code section 1798, et seq.

A. CONTENT OF THE PRIVACY POLICY STATEMENT

The Privacy Policy Statement shall include the following content at a minimum:

1. The name of the state entity and the statement that the state entity's policies regarding the personal information it collects and manages are governed by law, including the Information Practices Act (Civil Code section 1798 and following). Other relevant laws may also be cited.
2. A statement that the state entity will collect personal information relevant to specific purposes which are enumerated at or prior to the time of collection, in a privacy notice included on or with the form used to collect personal information.
3. A statement that personal information will not be disclosed, made available, or otherwise used for purposes other than those specified, except with the consent of the subject of the data, or as authorized by law or regulation.
4. A description of the general means by which personal information is protected against loss, unauthorized access, use, modification or disclosure.
5. A statement that individuals have the right to access personal information on them maintained by the state entity and to request correction of any inaccuracies in such records.
6. Contact information for the state entity privacy coordinator responsible for the privacy policy, compliance, and comments or complaints related to privacy or personal information access requests.
7. The effective date, last reviewed date, and last revision date of the privacy policy statement.
8. If the state entity web site automatically collects electronic personal information of users or visitors to the site, through the use of browser cookies, hardware or other method, the Privacy Policy Statement shall include the following additional content:

- A. A description of any information-collecting method used (such as cookies, devices, identifiers, or other applications);
- B. A description of the type of personal information being collected electronically (such as IP address, domain name, type of browser and operating system used, and the date and time of the site visit), and the purposes for which it is being collected;
- C. A description of any information-collecting method or device that will reside on the individual's computer, the length of time that the device will remain on the individual's computer, and an explanation of how the user can remove the device from his/her computer;
- D. A statement that the user has the right to have any electronically collected personal information deleted by the state entity, without reuse or distribution;
- E. Information on how site users or visitors may request to have their electronically collected personal information deleted, including appropriate contact information;
- F. A statement that the state entity will not distribute or sell any electronically collected personal information about users to any third party without the user's written consent; and
- G. Notice that electronically collected personal information is exempt from requests made under the Public Records Act.

B. PRESENTATION OF THE PRIVACY POLICY STATEMENT

The presentation of the state entity's Privacy Policy Statement shall be provided in the following manner:

1. The Privacy Policy Statement shall be prominently posted in state entity facilities and made available to each employee and contractor who has access to personal information.{Question from departments – where to post?}
2. A conspicuous and prominent link to the Privacy Policy Statement shall be provided on every web page, and shall be presented in an easily readable type and size, in a color that contrasts distinctly with the background.
3. The link shall include the words "Privacy Policy" or "Privacy Policy Statement," and shall appear on every web page regardless of whether information is collected on the page.
4. Clicking the link to the Privacy Policy Statement shall display the statement, which shall be written in clear and easily understandable language, and printable as a separate document.

IV. PRIVACY NOTICE ON COLLECTION REQUIREMENTS

The requirements below apply to a state entity's Notice on personal information collection, which is mandated in State Administrative Manual Section 5310.1 and Civil Code section 1798.17.

Whenever personal information is collected from individuals in any form, whether paper-based or electronic, a Privacy Notice on Collection shall be provided to the individual which is specific to the information collection activity. When contact with the individual is of a regularly recurring nature, an initial notice followed by a periodic notice of not more than one-year intervals shall

satisfy this requirement. This requirement is also satisfied by notification to individuals of the availability of the notice in annual tax-related pamphlets or booklets provided for them.

A. CONTENT OF THE PRIVACY NOTICE ON COLLECTION

The Privacy Notice on Collection shall include the following content at a minimum:

1. The name of the state entity and, if applicable, the division and subdivision within the state entity that is collecting the personal information;
2. The specific authority, whether granted by statute, regulation, or executive order which authorizes the collection and maintenance of the information by the state entity;
3. A statement that any personal information collected by the state entity is subject to the limitations in the Information Practices Act and state policy. Other relevant laws governing the state entity's collection and use of the specific personal information are to also be cited;
4. The principal purpose or purposes for which the information is to be used by the state entity;
5. Any known or foreseeable disclosures which may be made of the information, including disclosures to other state agencies, the federal government, or law enforcement, including disclosures of the information which may be made pursuant to subdivision (e) or (f) of Civil Code Section 1798.24;
6. If the form contains open fields where the data subject may input unrestricted content, a statement that individuals should not provide personal information that is not requested; With respect to each item of information, whether submission of such information is mandatory or voluntary;
7. The consequences, if any, of not providing all or any part of the requested information;
8. A statement of the individual's right of access to records containing personal information maintained by the state entity and contact information for the state entity employee who can provide assistance in getting access (This may be provided by a link to the appropriate information in the state entity's general Privacy Policy Statement.);
9. The title, business address, and telephone number of the state entity person responsible for maintaining the records collected (i.e., the information asset trustee), and who shall upon request, inform the individual regarding the location of his or her records and the categories of any persons who use the information in those records;
10. A reference to the state entity's general Privacy Policy Statement (i.e., a web link, URL, and/or instructions on how to obtain a paper copy); and
11. On web site forms, a link to consumer information on computer security (see below on Presentation of the Privacy Notice on Collection).

B. PRESENTATION OF THE PRIVACY NOTICE ON COLLECTION

The presentation of the Privacy Notice on Collection of personal information shall be provided in the following manner:

1. The Privacy Notice on Collection shall be provided before or at the time any information is required, collected or recorded from an individual;

2. A link to, or the actual text of, the Privacy Notice on Collection shall be conspicuously and prominently displayed at the top of any web form through which personal information is requested or collected;
3. Any link to the Privacy Notice on Collection shall be presented in an easily readable type and size, in a color that contrasts distinctly with the background;
4. The full text of the Privacy Notice on Collection shall be provided with any paper based forms that request or collect personal information;
5. The Privacy Notice on Collection shall be provided at the request of any individual;
6. The Privacy Notice on Collection shall be written in clear and easily understandable language; and on web site Notices on Collection, a graphic image titled "Caution: Is Your Computer Secure?" shall be provided, linking to consumer information provided by the Department of Justice at <https://oag.ca.gov/privacy/facts/online-privacy/computer-secure>.

C. WHEN NOTICE ON COLLECTION IS NOT REQUIRED

The notice on collection is not required when an individual is asked to provide his or her name, identifying number, photograph, address, or similar identifying information, if this information is used only for the purpose of identification and communication with the individual by the agency, except that requirements for an individual's social security number shall conform with the provisions of the Federal Privacy Act of 1974 (Public Law 93-579).

V. QUESTIONS

Questions regarding the implementation of this standard may be sent to:

California Department of Technology
Office of Information Security
Security@state.ca.gov