



# San Bernardino County

## Legislation Text

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**File #: 835, Agenda Item #: 31**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION**

**August 20, 2019**

#### **FROM**

**CASONYA THOMAS, Assistant Executive Officer, Human Services**

#### **SUBJECT**

Non-Financial Data Privacy and Security Agreements with the State of California Department of Health Care Services and the California Department of Social Services

#### **RECOMMENDATION(S)**

1. Approve the following non-financial Data Privacy and Security Agreements ensuring the privacy and security of Personally Identifiable Information is protected and maintained at the county level, for the period of September 1, 2019 through September 1, 2022:
  - a. The State of California Department of Health Care Services ensuring the protection of Medi-Cal Personally Identifiable Information.
  - b. The California Department of Social Services ensuring the protection of Personally Identifiable Information.
2. Authorize the Chairman of the Board of Supervisors, the Chief Executive Officer, or the Assistant Executive Officer for Human Services to execute any amendments to the non-financial Data Privacy and Security Agreements with the State of California Department of Health Care Services and the California Department of Social Services pertaining to the privacy and security of Personally Identifiable Information on behalf of the County, subject to review by County Counsel.
3. Direct the Chairman of the Board of Supervisors, the Chief Executive Officer, or the Assistant Executive Officer for Human Services to transmit all future amendments to the non-financial Data Privacy and Security Agreements to the Clerk of the Board within 30 days of execution.

(Presenter: CaSonya Thomas, Assistant Executive Officer, 387-4717)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

#### **FINANCIAL IMPACT**

The recommended Data Privacy and Security Agreements (PSAs) are non-financial; therefore, they do not impact Discretionary General Funding (Net County Cost).

#### **BACKGROUND INFORMATION**

Under the terms of the recommended PSAs, Human Services (HS) staff will be allowed to continue accessing the Medi-Cal Eligibility Data System (MEDS), the Applicant Income and Eligibility Verification System (IEVS), and data received from the Social Security Administration (SSA) and other sources. The purpose of the agreements is to ensure counties comply with the requirements to maintain the privacy and security of

Personally Identifiable Information (PII) that the County accesses through the State of California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS).

The DHCS PSA is specific to the Medi-Cal program. The CDSS PSA covers the following social service programs: CalFresh, California Food Assistance Program (CFAP); California Work Opportunity and Responsibility to Kids Program (CalWORKs); Cash Assistance Program for Immigrants (CAPI); Entrant Cash Assistance (ECA)/Refugee Cash Assistance (RCA); Foster Care (FC) (eligibility); Kinship Guardianship Assistance Program (Kin-GAP) (eligibility); Federal Guardianship Assistance Program (Fed-GAP) (eligibility); General Assistance/General Relief (GA/GR); and Trafficking and Crime Victims Assistance Program (TCVAP).

The PSAs ensure that the County and HS staff who access, use, or disclose customer PII will comply with the privacy and security requirements, and restrict access to data containing PII to only authorized employees who require the information to perform their official duties in public social services programs. The data contains PII that can be used alone, or in conjunction with any other reasonably available information, to identify a specific individual including, but not limited to, name, social security number, driver's license number, identification number, date of birth, place of birth, mother's maiden name. The PII may be electronic, paper, verbal, or recorded.

DHCS required CDSS to enter into an Inter-Agency Agreement (IAA) with DHCS that allows CDSS and local county agencies to access SSA and MEDS data for the purpose of assisting in the administration of the programs listed above. The IAA requires that CDSS share SSA and MEDS data only if its contract with the entity reflects the entity's obligations under the IAA. DHCS and CDSS are requiring all 58 Counties to sign the PSAs.

This item also requests authorization for the Chairman of the Board of Supervisors, the Chief Executive Officer, or the Assistant Executive Officer for Human Services to execute any amendments to the non-financial PSAs on behalf of the County, subject to review by County Counsel. The request for approval of delegation of authority is due to DHCS and CDSS short turn-around time for receipt of fully executed agreements and amendments.

## **PROCUREMENT**

N/A

## **REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Jennifer Mulhall-Daudel, Contracts Manager, 388-0241) on July 11, 2019; County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on July 16, 2019; Finance (John Hallen, Administrative Analyst, 388-0208) on August 5, 2019; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on August 5, 2019.