West Virginia Executive Branch
Privacy Tip of the Week

Notice: to Give or Not to Give???

Question:
What is a privacy notice and why do we give them?

Answer:
Many laws require us to provide privacy notices. For example, the HIPAA Privacy Rule requires that healthcare providers and health insurance companies give individuals privacy notices. The Gramm-Leach-Bliley Privacy Rule requires financial institutions to provide notices to customers. The Children's Online Privacy Protection Act requires commercial website operators to provide privacy notices when they collect information online from children age 13 and under. And the West Virginia Executive Branch Privacy Notice Policy requires every Department which collects private information directly from individuals, to have privacy notices available for people as well.

But people often don't care about privacy notices. If you offer them a notice, they may even tell you they don't want it or that they won't read it. Their reaction may make you wonder why notices are required at all!

One of the fundamental principles of fair information practices is openness. Openness is the willingness of an agency to tell people what it does with their personally identifiable information (PII), such as financial records, mother's maiden name, disability or employment records. Privacy notices allow us to ensure that we are open with regard to our privacy practices.

One reason to have a privacy notice is to satisfy those individuals that do want to read about what we do. But even if no one reads the notice, it is still important to have one.

Privacy notices are also critical for ensuring accountability. How do we know if we are meeting the requirements of the Executive Branch Policies and applicable laws? By creating a privacy notice for every process that collects PII, we can verify that the PII being collected is appropriate and that the uses of that PII are lawful.

Preparing privacy notices gives us confidence that our collection and use of PII is legal and proper! And, having the privacy notice for those people who do want to read it is the right thing to do too!

Note: Your agency/bureau/department/division may have specific requirements – always check your policies and procedures. If you have questions, contact your Privacy Officer.