

West Virginia Executive Branch Privacy Policy: Consent

When Consent is Not Required

QUESTION:

Is consent always required?

ANSWER:

The Consent Policy recognizes that it is sometimes not possible to obtain consent or address concerns. For example, if you are collecting or using private information (PI) in connection with a public safety investigation, you likely cannot allow individuals to opt-out of providing information required.

Departments can generally process any PI needed to respond to the following types of situations:

- ✓ Public safety investigations, such as product safety investigations,
- ✓ Public health investigations, such as communicable disease tracking,
- ✓ Law enforcement investigations, including investigations of accidents, and
- ✓ Emergency situations, such as when individuals are brought to an emergency room, or when the vital health of a person depends on the collection and use of the PI,

In these situations, you may collect any PI, even sensitive PI. You may also obtain the PI from anyone with knowledge, even if that person is not clearly authorized to provide the PI to you.

Additionally, Departments can always collect and use PI when they are legally permitted to do so. Departments may also collect and use any PI when they have an appropriate warrant or legal authorization.