

1 **H. B. 2039**

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3 (By Delegates Wells and Iaquinta)  
4 [Introduced January 12, 2011; referred to the  
5 Committee on Government Organization then the Judiciary.]  
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10 A BILL to amend and reenact §5A-7-11 of the Code of West Virginia,  
11 1931, as amended, relating to confidential records.

12 *Be it enacted by the Legislature of West Virginia:*

13 That §5A-7-11 of the Code of West Virginia, 1931, as amended,  
14 be amended and reenacted to read as follows:

15 **ARTICLE 7. INFORMATION SERVICES AND COMMUNICATIONS DIVISION.**

16 **§5A-7-11. Confidential records.**

17 ~~Under no circumstances whatever shall the head of any state~~  
18 ~~department or agency deliver to the division any records required~~  
19 ~~by law to be kept confidential, but such head may extract~~  
20 ~~information from such records for data processing by such division,~~  
21 ~~provided the integrity of such confidential records is fully~~  
22 ~~protected~~ The head of any state department or agency may grant the  
23 chief technology officer in the Department of Administration access

1 to records, databases and information required by law to be kept  
2 confidential. The chief technology officer shall ensure that the  
3 security and privacy of any confidential information is, at a  
4 minimum, maintained at the same level that the granting department  
5 or agency is required by law to maintain. The chief technology  
6 officer shall develop policies and procedures for the safekeeping  
7 of all confidential information required by law to be kept  
8 confidential.

NOTE: The purpose of this bill is authorize the chief technology officer to receive confidential records and have access to agencies' databases which may contain confidential information, while accepting the responsibility to safeguard this information as defined by applicable law.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.