

USER SECURITY AND USE POLICY and FORM for New York County Local Health Departments

Persons who execute a user account request form are bound to the terms of this policy.

I. Introduction

The New York State Department of Health (NYSDOH) has developed the Health Commerce System (HCS) as a secure system for collecting and distributing health related data between NYSDOH and county local health departments.

Having access to the HCS also provides access to Health Notifications and Alerts. The HCS is a secure system used by health agencies having business responsibilities with NYSDOH. The HCS site is owned and managed by NYSDOH.

NYSDOH is responsible for ensuring the security of data on the HCS, and protecting participating organizations from intrusions originating on or through the networks. This document highlights the security terms, conditions, and responsibilities that the employees and agents of the Local Health Department (LHD) must agree to in the handling of sensitive data accessed using HCS websites with assigned HCS accounts.

II. Security

HCS users are assigned various access codes, including IDs and passwords. These codes are unique for every user and must not be shared with others. NYSDOH uses these codes to manage and control access to data, including confidential information. NYSDOH must be notified immediately if a user suspects that any of their secret access codes have been compromised. Upon termination of employment users shall discontinue use of his or her user identification and password and the employer will provide immediate notice of such termination to the BHNSM staff located at the nearest regional NYSDOH office.

HCS users are expected to respect the privacy of data on the HCS. While there are routines in place to maintain this privacy, it is expected that users will not try to purposefully circumvent them. Users accessing the HCS shall not intentionally seek information on, obtain copies of, or modify files, data or identification codes belonging to other users, unless explicit written permission has been given by NYSDOH. Users shall not seek means to gain unauthorized access to health information present on the HCS for which they have not been granted explicit access.

HCS users will have the right to download their data from the HCS data servers. However, once that data is downloaded, users must protect the data, and any source documents derived from the data, from subsequent theft or disclosure.

For both security and performance reasons, logs are kept of all HCS accesses. Users, therefore, understand and agree to the fact that these logs and monitoring sessions can trace their activities on the HCS.

III. Access and Usage of Data

The HCS contains data collection and distribution systems developed by various program areas within NYSDOH. The NYSDOH program area that is responsible for collection and maintenance of that data shall authorize access to that data. The same program area is also responsible for responding to questions about the data to which they authorize access.

1. Acceptable use

Acceptable use is use that is authorized by the New York State Department of Health and is consistent with public health functions and state laws.

2. Unacceptable use

Examples of unacceptable use are:

- for any illegal purpose
- to transmit threatening, obscene, or harassing materials
- for activities unrelated to the mission of the HCS
- for unauthorized secondary release of DOH or county data and information
- to interfere with or disrupt network users, services or equipment
- distribution of any advertising material or products
- propagation of computer worms or viruses
- using the network to make unauthorized entry to other computers information, or communications devices or resources
- using the network to infringe any copyright protections applicable to programs and/or data available on the HCS
- to access information or data without confirmation that access is legally permissible from the Bureau or Division which has responsibility for collecting and maintaining the information, (Information and data accessible via the HCS shall be determined by the Bureau or Division responsible for collection and maintenance and all questions concerning denial of access should be addressed to such Bureau or Division.)
- for commercial purposes such as marketing or business transactions between commercial organizations
- for personal profit or gain
- advertising of products or services
- for the distribution of "Chain letters", or "broadcasting" messages to lists or individuals, or other types of use which cause congestion or otherwise interfere with the work of others for recreational activities
- to intentionally develop programs that harass and/or damage or alter the software components of a computer or computing system

IV. Data Disclosure

Health data/information originating from the HCS is protected under state and federal confidentiality laws as well as NYSDOH policy/procedures. Employees or agents of the county who have acquired knowledge of health data/information from the HCS shall not disclose this information to any other person unless that person:

- is explicitly authorized to see that information
- requires that information to perform an official task
- has signed and filed an HCS Security and Use Policy agreement with NYSDOH

V. Enforcement

The guidelines established with this policy are intended to be illustrative of the range of acceptable and unacceptable uses of the HCS and its facilities, and are not necessarily exhaustive. Questions about specific uses not enumerated in this policy statement and reports of specific unacceptable uses must be reported to NYSDOH, call 1-866-529-1890 or write nysdoh-commerce-help@health.state.ny.us at the earliest opportunity.

VI. Violations

Clear violations of the policy that are not promptly remedied will result in termination of HCS access for the person(s) at fault. Unauthorized use, fraudulent use, abuse of computing on network facilities, or unauthorized disclosure of information will lead to suspension of access, loss of privilege and, if appropriate, imposition of monetary penalty or criminal prosecution as provided by State and Federal Statutes.

VII. User Duties and Responsibilities

Because the HCS is a secure system for collecting and distributing health related data between NYSDOH, health facilities/providers and public health response partners, it is very important for each user to accept the responsibilities of this document and perform the duties expected of them when using the networks.

Individuals requesting an account on the HCS must accurately complete the HCS User Account Request Form in its entirety.

Duties of each user with an established HCS account include:

- adhering to the terms and conditions of this agreement in its entirety regardless of the location from which the user accesses the HCS
- assuring the PIN number and password of the HCS account are kept confidential in a secure place and are not shared with anyone
- updating the contact information recorded in the NYSDOH Communications Directory when necessary so that it is accurate at all times
- maintaining the confidentiality of all data and information accessed on the HCS
- accessing only that information on the HCS for which the user has been duly authorized
- reporting any indications of fraudulent use, either by being asked to use another's account to gain access to information not specifically authorized to yourself or by witnessing such an action from another user
- contacting the HCS coordinator(s) at the county LHD for which they are to access the HCS at least 3 business days prior to any change in HCS responsibilities or in employment status affecting the standing of the account or notifying NYSDOH at 1-866-529-1890 if contacting the HCS Coordinator is not possible