



ANDREW M. CUOMO  
GOVERNOR

STATE OF NEW YORK  
State Capitol P.O. Box 2062  
Albany, NY 12220-0062  
www.cio.ny.gov

DANIEL C. CHAN, Ph.D.  
Acting Chief Information Officer  
Acting Director of the Office for Technology

<p><b>New York State Information Technology Policy</b></p>	<p><b>No:</b> NYS-G02-001</p>
<p><b>IT Best Practice Guideline: Guidelines for Internet Privacy Policies</b></p>	<p><b>Effective Date:</b> 06/17/2002</p> <p><b>Issued By:</b> NYS CIO/OFT State Chief Information Officer Director Office for Technology</p> <p><b>Published By:</b> Enterprise Strategy &amp; Acquisitions Office</p>

## 1.0 Purpose and Benefits of the Guideline

This best practice guideline is designed to provide guidance in drafting Internet privacy policies for state agency websites as required by Article II of the State Technology Law, known as the "Internet Security and Privacy Act." This best practice guideline also includes a Model Internet Privacy Policy in accordance with section 203 of the State Technology Law.

## 2.0 Enterprise IT Policy Statement

Details regarding the authority to establish enterprise IT standards can be found [in NYS CIO/OFT Policy NYS-PO8-002, Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines.](#)

Details regarding the criteria for establishing enterprise IT standards can be found in [NYS P02-001, Process for Establishing & Implementing Statewide Technology Policies & Standards.](#)

### 3.0 Scope of the Guideline

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For purposes of this best practice guideline, the standard CIO/OFT policy definition of "State Agency" does not apply and is replaced with the definition in the Internet Security and Privacy Act, which is taken from the Personal Privacy Protection Law. The definition is as follows:

State agency shall mean any state board, bureau, committee, commission, council, department, public authority, public benefit corporation, division, office or any other governmental entity performing a governmental or proprietary function for the State of New York, but does not include the judiciary, the state legislature, any unit of local government, or the offices of district attorneys.

This best practice guideline applies to state agencies. The term 'state agency website' refers to an internet website operated by or for a state agency, including those websites operated on behalf of a state agency by other public or private entities, but does not include any portions of the internet outside of the control of the state agency.

### 4.0 Guidelines

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#### Part 1. Introduction

The Internet Security and Privacy Act (State Technology Law, Article II) requires each state agency that maintains a website to adopt and post an Internet privacy policy. This new requirement reflects the recognition that citizens and businesses must be confident that their privacy is protected when they visit state agency websites. Pursuant to section 203(1) of the State Technology Law, the New York State Office for Technology (OFT) has specified a model Internet privacy policy for use by state agencies.

This best practice guideline highlights a number of considerations that should be taken into account in drafting an Internet privacy policy and provides an outline for the contents of an Internet privacy policy. This best practice guideline may be used by each state agency, in conjunction with the Internet Security and Privacy Act and the Office of the Chief Information Officer/Office for Technology's (CIO/OFT's) model policy, to draft Internet privacy policies that accurately describe the practices and procedures relating to the information they **collect** about users through the state agency website and to the state agency's retention and disclosure of that information.

The attached model Internet privacy policy was drafted using this best practice guideline. This model is not intended to reflect the actual practices and procedures of any particular

state agency and should not be adopted by any state agency without an analysis of whether the example accurately describes the state agency's practices and procedures.

## **Part 2. Basic Requirements for an Internet Privacy Policy**

Section 203(1) of the State Technology Law requires that each Internet privacy policy include, but not be limited to, the following elements:

- (a) a statement of the information, including **personal information**, the state agency website will collect with respect to the user and the purposes for which the information will be used; (b) the circumstances under which information, including personal information, collected may be **disclosed**;
- (c) whether any information collected will be retained by the state agency, and, if so, the period of time that such information will be retained;
- (d) the procedures by which a **user** may gain access to the collected information pertaining to that user;
- (e) the means by which information is collected and whether such collection occurs actively or passively;
- (f) whether the collection of information is voluntary or required, and the consequences, if any, of a refusal to provide the required information; and
- (g) the steps being taken by the state agency to protect the confidentiality and integrity of the information.

It does not appear that the elements must be presented in the state agency's policy in the order in which they appear in the Internet Security and Privacy Act; accordingly, the elements may be addressed in any form and in any order deemed appropriate by the state agency. Likewise, disclosure of the information required by a particular element may be combined with the information required by other elements. However, regardless of how the elements are organized, the information should be presented in a clear and logical manner.

Section 203 of the State Technology Law requires that the Internet privacy policy is posted on the state agency website, and that such posting "shall include a conspicuous and direct link to such policy." CIO/OFT suggests that the "conspicuous and direct link" required by section 203(2) of the State Technology Law is a link that appears, at a minimum, in the footer of the state agency's home page and is clearly distinguishable from any other links found in that footer.

In connection with complying with this posting requirement, state agencies should also evaluate the manner in which users access the various portions of the state agency

website. In the event that users can directly access portions of the state agency website, such as surveys, registrations, order forms, or sign-in screens, which may collect information relating to the user without first visiting the state agency's website, the state agency should consider placing conspicuous and direct links to the Internet privacy policy on those portions of the state agency website.

### **Part 3. Initial Steps**

1. A state agency should first determine what practices and procedures are currently in use with regard to the collection of information, including personal information, with respect to a user at its website, and to the retention and disclosure of any information collected. Any of these current practices and procedures that involve personal information must comply with the requirements of the Personal Privacy Protection Law (Public Officers Law, Article 6-A). The Personal Privacy Protection Law specifies when a state agency is authorized to maintain and disclose personal information concerning individuals.
2. The state agency should evaluate whether all of its current practices and procedures regarding the collection of information through its website serve agency purposes. If unnecessary information is being collected through the website, the agency should revise its practices and procedures to eliminate the collection of that information.
3. Because state agency website includes websites operated on behalf of state agencies by other public or private entities, it would be appropriate for the state agency to evaluate, in the manner described in paragraphs 1 and 2 of this Part, the practices and procedures of any entities with which it contracts for the operation of all, or a portion, of the state agency's website. Existing contracts with other entities to operate websites on behalf of the state agency may include language requiring compliance with all applicable laws, and the state agency should inform those entities of the requirements of the Internet Security and Privacy Act. New contracts for the operation of a website on behalf of a state agency should specifically require compliance with the provisions of the Internet Security and Privacy Act.

### **Part 4. Drafting an Internet Privacy Policy**

Drafting an Internet privacy policy should involve the state agency's information technology professionals, including those professionals responsible for the security of the state agency's information technology assets, the program staff responsible for the content of the website, the agency's counsel's office, the officers or employees responsible for the agency's compliance with the Freedom of Information Law and the Personal Privacy Protection Law, program staff, and the officers and employees charged with overseeing

the retention and disposition of records. The involvement of these groups will increase the likelihood that the policy will be responsive to all the statutory requirements.

To draft the Internet privacy policy, it may be helpful to begin by answering the eight questions listed below. Answers to one or more of these questions may contain information that adequately addresses other required elements of the policy. Accordingly, as noted above, OFT believes that disclosure of the information required by section 203(1) of the State Technology Law need not rigidly follow the order in which the elements are presented in that section.

### **1. What type of information is collected by the state agency?**

Identify the type of information collected about users through the state agency website. Such information may include, but is not limited to, the following:

- a. Information collected automatically in the normal operation of the website, such as:
  - (i) User client hostname. The hostname or Internet Protocol address of the user requesting access to a state agency website.
  - (ii) HTTP header, "user agent." The user agent information includes the type of browser, its version, and the operating system on which the browser is running.
  - (iii) HTTP header, "referrer." The referrer specifies the web page from which the user accessed the current web page.
  - (iv) System date. The date and time of the user's request.
  - (v) Full request. The exact request the user made.
  - (vi) Status. The status code the server returned to the user.
  - (vii) Content length. The content length, in bytes, of the document sent to the user.
  - (viii) Method. The request method used.
  - (ix) Universal Resource Identifier (URI). The location of a resource on the server.
  - (x) Query string of the URI. Anything after the question mark in a URI.
  - (xi) Protocol. The transport protocol and the version used.
  
- b. Any personal information relating to the user. For purposes of an Internet privacy policy, the types of information identified in paragraph (a), above, should not be considered personal information.
  
- c. Any other information collected by the state agency with respect to the user that does not fall within paragraphs (a) and (b), above.

### **2. How will the state agency use the information it collects?**

Identify the manner in which the state agency will use information collected at the state agency website, including, at a minimum, the following:

- a. A statement indicating whether and how information collected will be used for the technical support of the state agency website, including securing and maintaining the website. For example:

"Information, including IP addresses and domain names, is automatically logged to provide technical support for the website and its associated computer systems, to diagnose system performance or problem areas, and to detect attempts to damage or gain unauthorized access to the website and its associated computer systems."

- b. A statement indicating whether and how information collected will be used for analytical and statistical purposes, including the improvement of the quality of the website. For example:

"When visiting this website the Agency automatically collects and stores the following information about your visit:

1. The **Internet Protocol address** and domain name of your Internet service provider. The Internet Protocol address is a numerical identifier assigned either to your Internet service provider or directly to your computer, which can be used to direct Internet traffic to you;
2. The type of browser and operating system you used;
3. The date and time you visited this site;
4. The web pages or services you accessed at this site; and
5. The URL or web site address of the web site you visited prior to coming to this website and from which any web page on this site was linked.

This information is used to help the Agency understand how people are using this website and to improve its content. Statistical analysis may be undertaken to determine which portions of the website are visited most frequently. The information is not collected for commercial purposes and the Agency does not sell or otherwise distribute the information collected from the website for commercial purposes."

- c. A statement concerning the use of information submitted voluntarily to the state agency website in an electronic mail message. For example:

"If during your visit to this website you send an electronic mail message to the Agency, your electronic mail address and the contents of your message will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your electronic mail address and the information included in your message will be used to respond to you, to address issues you identify, to improve this website, or to forward your message to another agency for appropriate action. Your electronic mail address is not

collected for commercial purposes and the Agency does not sell or otherwise distribute your electronic mail address for commercial purposes."

- d. A statement concerning the use of information submitted voluntarily to the state agency when the user completes a transaction such as a survey, registration, or order form. If appropriate, the state agency should provide a general description of the program for which the information is being collected. For example:

"If during your visit to this website you complete a transaction such as a survey, registration, or order form, the information, including personal information, volunteered by you is used by the Agency to operate Agency programs, which include the provision of goods, services, and information. This information is collected by the Agency and may be disclosed by the Agency for those purposes that may be reasonably ascertained from the nature and terms of the survey, registration, or order form in which the information was submitted."

-OR-

"If during your visit to this website you place an order for a copy of a map, the Agency will request information from you on our order form. You must provide contact information, including your name and shipping address, and financial information, including your credit card number and its expiration date. This information is used to fill your order and for billing purposes. If there are difficulties in filling your order, the contact information may be used to get in touch with you."

-OR-

"The Agency uses a third party to ship orders, and a credit card processing company to bill users for goods and services. [Specified personal information] is shared with these entities in order to complete the transaction. These entities are not permitted to use the personal information for any other purposes."

### **3. Under what circumstances will the information collected be disclosed?**

Identify the circumstances under which information, including personal information, collected will be disclosed. For example:

"Collection of information through this website and the disclosure of that information are subject to the provisions of the Internet Security and Privacy Act. The Agency will not collect personal information through this website or disclose such information to any person, firm, partnership, corporation, limited liability company or other entity, including internal staff who do not need the information to perform their official duties, unless the user has consented to the collection or disclosure of such personal

information. Voluntary disclosure of personal information to the Agency by the user constitutes consent to the collection and disclosure of the information by the Agency for the purposes for which the user disclosed the information to the Agency, as was reasonably ascertainable from the nature and terms of the disclosure.

However, the Agency may collect or disclose personal information without the consent of the user if the collection or disclosure is: (1) necessary to perform the statutory duties of the Agency, or necessary for the Agency to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the user; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

Disclosure of information, including personal information, collected through this website is subject to the provisions of the New York State Freedom of Information Law and the New York State Personal Privacy Protection Law.

The Agency may disclose personal information to federal or state law enforcement authorities to enforce its rights against unauthorized access or attempted unauthorized access to the Agency's information technology assets or against other inappropriate use of this website."

#### **4. How long will the information collected be retained?**

Indicate what types of information collected through the state agency website will be retained by the state agency and describe, in general terms, the retention periods for those types of information. The statement should indicate whether the state agency has established any records retention and disposition schedules for information collected through the website which vary from the General Retention and Disposition Schedule for New York State Government Records issued by the State Archives and Records Administration pursuant to the Arts and Cultural Affairs Law. For example:

"The information collected through this website is retained by the Agency in accordance with the records retention and disposition requirements of the New York State Arts & Cultural Affairs Law. Additional information on the requirements of the Arts & Cultural Affairs Law may be found at [http://www.archives.nysed.gov/a/records/mr\\_laws\\_state.shtml](http://www.archives.nysed.gov/a/records/mr_laws_state.shtml)

or by calling the New York State Archives at (518) 474-6926. In general, the Internet services logs of the Agency, comprising electronic files or

automated logs created to monitor access and use of Agency services provided through this website, are retained for \_\_\_\_\_ [state the period that is the equivalent of three backup cycles] and then destroyed. Information, including personal information, that you submit in an electronic mail message or when you engage in a transaction such as completing a survey, registration form, or order form is retained in accordance with the records retention and disposition schedule established for the records of the program unit to which you submitted the information. Information concerning these records retention and disposition schedules may be obtained through the Internet privacy policy contact listed in this policy or by writing to the Agency at: \_\_\_\_\_."

**5. How are users provided access to personal information collected by the state agency through its website?**

Under section 205 of the State Technology Law, the state agency must also provide the user with the opportunity to request the correction or amendment of the personal information pertaining to such user. If the state agency collects personal information pertaining to users through its state agency website, describe the manner in which a user may obtain access to such personal information. Access to personal information and the opportunity to request correction or amendment of such personal information is to be provided in the same manner as provided for access to and correction or amendment of personal information under section 95 of the Public Officers Law. For example:

"Any user may submit a request to the Agency privacy compliance officer to determine whether personal information pertaining to that user has been collected through this website. Any such request shall be made in writing and must be accompanied by reasonable proof of identity of the user. Reasonable proof of identity shall include, but not be limited to, verification of a signature or inclusion of an identifier generally known only to the user. The address of the privacy compliance officer is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Within five business days of the receipt of a proper request, the privacy compliance officer shall: (a) provide access to the personal information; (b) deny access to the personal information in writing, with an explanation of why the request is being denied; or (c) acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, provided that the date specified shall not be more than 30 days from the date of the acknowledgment.

In the event that the Agency determines that it has collected personal information pertaining to a user through the state agency website and that information is to be provided to the user pursuant to the user's request, the privacy compliance officer shall inform the user of his or her right to request that the personal information be amended or corrected under the procedures set forth in section 95 of the Public Officers Law."

**6. What methods are used to collect information from users?**

Describe all passive information collection processes, including **cookies**, log files, **clear gifs**, and other programming, in use at the state agency website. If the website employs active information collection processes, the state agency should describe those processes, including, but not limited to, **click-throughs**, surveys, registration forms, order forms, or other types of online transactions. For example:

**7. Is the disclosure of information by a user voluntary or required?**

State whether the collection of information through the state agency website is voluntary or required and describe the consequences, if any, of a refusal to provide required information. For example:

"The Agency does not collect personal information about you unless you provide it voluntarily by sending an e-mail, responding to a survey, or completing an online transaction. You may choose not to send us an e-mail, respond to a survey, or complete an online transaction. Your choice not to participate in these activities may limit your ability to receive specific services or products through this website, but it will not have an impact on your ability to take advantage of certain other features of the website, including browsing or downloading information."

-OR-

"You may configure your web browser to refuse or delete the cookies used at this website. Refusing or deleting cookies may limit your ability to take advantage of some features of this website."

**8. How does the state agency protect the confidentiality and integrity of information it collects through the website?**

Describe, in general terms, the manner in which the state agency protects the confidentiality and integrity of information collected through its website. The state agency's description should not, however, disclose information that would jeopardize its ability to maintain the security of its information technology assets. For example:

"The Agency recognizes the need to protect personal information collected through this website against unauthorized access, use, or disclosure. The Agency limits employee access to personal information collected through this website to those employees who need access to the information to perform their official duties. Employees with access to personal information are made aware of the need to follow appropriate procedures in connection with any disclosure of that information.

The Agency has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to, authenticating, monitoring, auditing, and encrypting. Security procedures have been integrated into the design, implementation, and day-to-day operations of this website as part of our continuing commitment to the security of electronic content as well as the electronic transmission of information.

For website security purposes and to maintain the availability of the website for all users, the Agency employs software to monitor traffic to identify unauthorized attempts to upload or change information or otherwise damage this website.

It should be noted that the information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting as fail proof, the security of information provided through this website."

## **OTHER CONSIDERATIONS**

1. Each state agency's Internet privacy policy should also discuss how the state agency addresses the collection of information from children. For example:

"The Agency does not knowingly collect personal information from children or create profiles of children through this website. Users are cautioned, however, that the collection of personal information submitted in electronic mail will be treated as though it was submitted by an adult, and may, unless exempted from access by federal or State law, be subject to public access. The Agency strongly encourages parents and teachers to be involved in children's Internet activities and to provide guidance whenever children are asked to provide personal information online."

If the state agency's website includes an area specifically intended for use by children or if any of the transactions offered on the website are available to children, the state agency should be conscious of the rules adopted by the Federal Trade Commission (FTC) pursuant to the Children's Online Privacy Protection Act (COPPA). While COPPA generally applies only to commercial websites, the FTC encourages others to post policies and provide protections that comply with COPPA if children provide personal information at their sites. Information

concerning COPPA and the FTC rules is available at <http://www.ftc.gov/bcp/online/edcams/kidzprivacy> .

2. The state agency may also wish to include contact information in the event that users have questions about the policy. At the state agency's discretion, the contact for questions about the Internet privacy policy may be the employee designated to be responsible for compliance with the Personal Privacy Protection Law pursuant to section 94(1)(j) of the Public Officers Law.
3. It may also be advisable for the Internet privacy policy to clearly state that websites to which the user may be linked from the state agency's website are not subject to that policy. For example:

“In order to provide users with certain information, this website provides links to the websites of local, State, and federal government agencies, and to the websites of certain other organizations. A link provided on this website does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of that website. Once you link to another website from this website, including one maintained by the State, you are subject to the terms and conditions of that website, including, but not limited to, its Internet privacy policy. “

4. The actual practices and procedures of state agencies should conform to the practices and procedures described in their Internet privacy policies. Accordingly, each state agency should establish procedures to monitor and evaluate compliance with its Internet privacy policy. Such monitoring and evaluation should include, among other things, the following:
  - (a) whether the posted Internet privacy policy accurately reflects the online services provided and the transactions conducted on the state agency website;
  - (b) whether the posted Internet privacy policy accurately reflects the information collected through the state agency website and how that information is used;
  - (c) whether the security practices and procedures implemented in connection with the state agency website are adequate and effective; and
  - (d) whether the Internet privacy policy posted on the state agency website conforms to the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, and the Personal Privacy Protection Law, and all other relevant laws, regulations, or policies.

## **Part 5. Model Internet Privacy Policy**

Please note that the Internet Privacy Policy set forth below is intended to be a model of a policy drafted using this best practice guideline distributed by CIO/OFT. This model is not intended to reflect the actual practices and procedures of any particular state agency and should not be adopted by any state agency without an analysis of whether the model accurately describes the state agency's practices and procedures.

### **INTERNET PRIVACY POLICY**

#### **Introduction**

Thank you for visiting the Generic State Agency (GSA) website. This website is designed to make it easier and more efficient for individuals and businesses to interact with the GSA. The GSA recognizes that it is critical for individuals and businesses to be confident that their privacy is protected when they visit the GSA's website.

Consistent with the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, and the Personal Privacy Protection Law, this policy describes the GSA's privacy practices regarding information collected from users of this website. This policy describes what information is collected and how that information is used. Because this privacy policy only applies to this website, you should examine the privacy policy of any website, including other state agency websites, that you access using this website.

For purposes of this policy, "personal information" means any information concerning a natural person, as opposed to a corporate entity, which, because of name, number, symbol, mark, or other identifier, can be used to identify that natural person. The GSA only collects personal information about you when you provide that information voluntarily by sending an e-mail or by initiating an online transaction, such as a survey, registration or order form.

#### **Information Collected Automatically When You Visit this Website**

When visiting this website the GSA automatically collects and stores the following information about your visit:

- (i) The Internet Protocol Address and domain name used, but not the e-mail address. The Internet Protocol Address is a numerical identifier assigned either to your Internet service provider or directly to your computer;
- (ii) The type of browser and operating system you used;
- (iii) The date and time you visited this site;
- (iv) The web pages or services you accessed at this site;

- (v) The web site you visited prior to coming to this web site;
- (vi) The web site you visit as you leave this web site; and
- (vii) If you downloaded a form, the form that was downloaded.

None of the foregoing information is deemed to constitute personal information.

The information that is collected automatically is used to improve this website's content and to help the GSA understand how users are interacting with the website. This information is collected for statistical analysis, to determine what information is of most and least interest to our users, and to improve the utility of the material available on the website. The information is not collected for commercial marketing purposes and the GSA is not authorized to sell or otherwise disclose the information collected from the website for commercial marketing purposes.

### **Cookies**

Cookies are simple text files stored on your web browser to provide a means of distinguishing among users of this website. The use of cookies is a standard practice among Internet websites. To better serve you, we use "session cookies" to enhance or customize your visit to this website. Session cookies can be created automatically on the device you use to access this state agency website. These session cookies do not contain personal information and do not compromise your privacy or security. We may use the cookie feature to store a randomly generated identifying tag on the device you use to access this website. A session cookie is erased during operation of your browser or when your browser is closed.

If you wish, you may complete a registration to personalize this website and permit a "persistent cookie" to be stored on your computer's hard drive. This persistent cookie will allow the website to recognize you when you visit again and tailor the information presented to you based on your needs and interests. The GSA uses persistent cookies only with your permission.

The software and hardware you use to access the website allows you to refuse new cookies or delete existing cookies. Refusing or deleting these cookies may limit your ability to take advantage of some features of this website.

### **Information Collected When You E-mail this Website or Initiate an Online Transaction**

During your visit to this website you may send an e-mail to the GSA. Your e-mail address and the contents of your message will be collected. The

information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your e-mail address and the information included in your message will be used to respond to you, to address issues you identify, to improve this website, or to forward your message to another State agency for appropriate action. Your e-mail address is not collected for commercial purposes and the GSA is not authorized to sell or otherwise disclose your e-mail address for commercial purposes.

During your visit to this website you may initiate a transaction such as a survey, registration, or order form. The information, including personal information, volunteered by you in initiating the transaction is used by the GSA to operate GSA programs, which include the provision of goods, services, and information. The information collected by the GSA may be disclosed by the GSA for those purposes that may be reasonably ascertained from the nature and terms of the transaction in connection with which the information was submitted.

The GSA does not knowingly collect personal information from children or create profiles of children through this website. Users are cautioned, however, that the collection of personal information submitted in an e-mail or through an online transaction will be treated as though it was submitted by an adult, and may, unless exempted from access by federal or State law, be subject to public access. The GSA strongly encourages parents and teachers to be involved in children's Internet activities and to provide guidance whenever children are asked to provide personal information online.

### **Information and Choice**

As noted above, the GSA does not collect any personal information about you during your visit to this website unless you provide that information voluntarily by sending an e-mail or initiating an online transaction such as a survey, registration, or order form. You may choose not to send us an e-mail, respond to a survey, or complete an order form. While your choice not to participate in these activities may limit your ability to receive specific services or products through this website, it will not prevent you from requesting services or products from GSA by other means and will not normally have an impact on your ability to take advantage of other features of the website, including browsing or downloading most publicly available information.

### **Disclosure of Information Collected Through This Website**

The collection of information through this website and the disclosure of that information are subject to the provisions of the Internet Security and Privacy Act. The GSA will only collect personal information through this

website or disclose personal information collected through this website if the user has consented to the collection or disclosure of such personal information. Participation in an online transaction resulting in the disclosure of personal information to the GSA by the user, whether solicited or unsolicited, constitutes consent to the collection and disclosure of the information by the GSA for the purposes reasonably ascertainable from the nature and terms of the transaction.

However, the GSA may collect or disclose personal information without user consent if the collection or disclosure is: (1) necessary to perform the statutory duties of the GSA, or necessary for the GSA to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the user; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

Further, the disclosure of information, including personal information, collected through this website is subject to the provisions of the Freedom of Information Law and the Personal Privacy Protection Law.

The GSA may disclose personal information to federal or state law enforcement authorities to enforce the GSA's rights against unauthorized access or attempted unauthorized access to the GSA's information technology assets or against other inappropriate use of this website.

#### **Retention of Information Collected Through this Website**

The information collected through this website is retained by the GSA in accordance with the records retention and disposition requirements of the New York State Arts & Cultural Affairs Law. Information on the requirements of the Arts & Cultural Affairs Law may be found at [http://www.archives.nysed.gov/a/records/mr\\_laws\\_state.shtml](http://www.archives.nysed.gov/a/records/mr_laws_state.shtml).

In general, the Internet services logs of the GSA, comprising electronic files or automated logs created to monitor access and use of Agency services provided through this website, are retained for \_\_\_\_\_ [state the period that is the equivalent of three backup cycles] and then destroyed.

Information, including personal information, that you submit in an e-mail or when you initiate an online transaction such as a survey, registration form, or order form is retained in accordance with the records retention and disposition schedule established for the records of the program unit to which you submitted the information. Information concerning these records retention and disposition schedules may be obtained through the Internet privacy policy contact listed in this policy.

**Access to and Correction of Personal Information  
Collected Through this Website**

Any user may submit a request to the GSA privacy compliance officer to determine whether personal information pertaining to that user has been collected through this website. Any such request shall be made in writing to the address below and must be accompanied by reasonable proof of identity of the user. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to the user, or similar appropriate identification. The address of the privacy compliance officer is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The privacy compliance officer shall, within five (5) business days of the date of the receipt of a proper request: (i) provide access to the personal information; (ii) deny access in writing, explaining the reasons therefore; or (iii) acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not be more than thirty (30) days from the date of the acknowledgment.

In the event that the GSA has collected personal information pertaining to a user through the state agency website and that information is to be provided to the user pursuant to the user's request, the privacy compliance officer shall inform the user of his or her right to request that the personal information be amended or corrected under the procedures set forth in section 95 of the Public Officers Law.

**Confidentiality and Integrity of Personal Information  
Collected Through this Website**

The GSA is strongly committed to protecting personal information collected through this website against unauthorized access, use, or disclosure. Consequently, the GSA limits employee access to personal information collected through this website to only those employees who need access to the information in the performance of their official duties. Employees who have access to this information are required to follow appropriate procedures in connection with any disclosures of personal information.

In addition, the GSA has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to, [state actual practices or procedures such as authentication, monitoring, auditing, and encryption.] These security procedures have been integrated

into the design, implementation, and day-to-day operations of this website as part of our continuing commitment to the security of electronic content as well as the electronic transmission of information.

For website security purposes and to maintain the availability of the website for all users, the GSA employs software to monitor traffic to identify unauthorized attempts to upload or change information or otherwise damage this website.

#### **Disclaimer**

The information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting as fail proof, the security of information provided through this website.

#### **Links**

In order to provide users with certain information, the GSA provides links to the websites of local, State, and federal government agencies, and to the websites of other organizations. A link does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of that website. Once you link to another website from this website, including one maintained by the State, you are subject to the terms and conditions of that website, including, but not limited to, its Internet privacy policy.

#### **Contact Information**

For questions regarding this Internet privacy policy, please contact:

(via e-mail) \_\_\_\_\_.

(via regular mail) \_\_\_\_\_

\_\_\_\_\_

## **5.0 Policy Compliance**

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Pursuant to subdivision two of section two hundred and four of the NYS Technology Law each state agency shall post its internet privacy policy on its website, and such posting shall include a conspicuous and direct link to such internet privacy policy.

## **6.0 Definitions of Key Terms**

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A complete listing of defined terms for NYS Information Technology Policies, Standards, and Best Practice Guidelines is available in the "NYS Information Technology Policies, Standards, and Best Practice Guidelines Glossary" at:

<http://www.cio.ny.gov/policy/glossary.htm>.

The following defined terms are used in this Best Practice Guideline.

**Clear gif** shall mean a graphic with a unique identifier, similar to a cookie, used to track the online movements of users. Clear gifs are also known as pixel tags, web beacons, or web bugs.

**Click-through** shall mean a message on a user's computer screen, requiring that the user respond to a question and, as a result, provide information by clicking on an icon.

**Cookie** shall mean a unique text file stored on a user's computer by an Internet browser. These text files are used as a means of distinguishing among users of a website and as a means of customizing the website according to the user's preferences and interests. A cookie will not include personal information unless the user has volunteered that information.

**Collect** shall have the same meaning as defined in State Technology Law §202. This shall mean to store information, including via cookie technology, for purposes of retrieval at a later time to initiate communication with or make determinations about the person who is the subject of such information.

**Disclose** shall have the same meaning as defined in State Technology Law §202. This shall mean to reveal, release, transfer, disseminate or otherwise communicate information orally, in writing or by electronic or other means, other than to the person who is the subject of such information.

**Internet** shall have the same meaning as defined in State Technology Law §202. This shall mean a system of linked computer networks, international in scope, that facilitate DATA transmission and exchange.

**Internet Protocol Address or IP Address** shall mean a numerical identifier assigned either to a user's Internet service provider or directly to a user's computer.

**Persistent cookie** shall mean a cookie that remains on the user's computer.

**Personal information** shall have the same meaning as defined in State Technology Law §202. This shall mean any information concerning a natural person which, because of name, number, symbol, mark or other identifier, can be used to identify that natural person.

**Session cookie** shall mean a cookie that is erased during browser operation or when the browser is closed.

**User** shall have the same meaning as defined in State Technology Law §202. This shall mean any natural person who uses the internet to access a state agency website.

## 7.0 CIO/OFT Contact Information

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Submit all inquiries and requests for future enhancements regarding this policy to:

**Attention: CIO/OFT Enterprise Strategy and Acquisitions Office  
Enterprise Strategy and Governance Services  
New York State Office of the Chief Information Officer and Office for Technology  
State Capitol, ESP, P.O. Box 2062  
Albany, NY 12220  
Telephone: 518-473-0234  
Facsimile: 518-473-0327**

Email: [oft.sm.policy@cio.ny.gov](mailto:oft.sm.policy@cio.ny.gov)

The State of New York Enterprise IT Policies may be found at the following website:  
<http://www.cio.ny.gov/policy/technologypolicyindex.htm>

## 8.0 Revision Schedule and History

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<b>Date</b>	<b>Description of Change</b>
06/17/2002	Original Policy Issued.
03/09/2004	Revised to update a reference link.
10/9/2009	Reformatted and updated to reflect current CIO, agency name, logo and style.