



Office of Information Technology Services

State Capitol P.O. Box 2062
Albany, NY 12220-0062
www.its.ny.gov

Office of Information Technology Services Policy	No: ITS-P22-001
ITS Policy: Supporting Client Agency Data Sharing or Computer Matching Agreements	Issued: 04/13/2022
	Issued By: NYS Office of Information Technology Services Owner: Division of Legal Affairs

1.0 Purpose and Benefits

The New York State Office of Information Technology Services (“ITS”) plays a key role in the exchange, transfer, receipt, storage, and processing of electronic information and data for its Client Agencies. ITS’s Client Agencies are subject to a myriad of statutory and regulatory compliance requirements including IRS Publication 1075, the Health Insurance Portability and Accountability Act (HIPAA), the Privacy Act, and the Criminal Justice Information Services (CJIS) Security Policy. Often, the compliance requirements established by these statutory and regulatory frameworks are passed down to ITS’s Client Agencies through data sharing or computer matching agreements. In other cases, the receipt of federal financial participation is conditioned upon adhering to such requirements. As a result, ITS is asked to provide technical reviews of our systems for alignment with these compliance requirements and/or execute agreements with our Client Agencies. This Policy is to establish a support model for ITS when Client Agencies request ITS support for the review and execution of data sharing or computer matching agreements.

2.0 Authority

Section 1 of Executive Order No. 117¹, established January 2002, charges the State Chief Information Officer (CIO) with overseeing and supervising the management and

¹ All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011, and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

operations of ITS. *Section 102(2) of the State Technology Law* gives the Director of ITS responsibility for the administration of ITS. Details regarding this authority can be found in NYS ITS Policy, *NYS-P08-002 Authority to Establish State Enterprise Information Technology (IT) Policy, Standards and Guidelines*.

3.0 Scope

This Policy document applies to ITS, its employees, contractors, consultants, and ITS supported agencies (“Client Agency”).

4.0 Information Statement

Requests for ITS support in reviewing and/or executing data sharing or computer matching agreements for or with Client Agencies come in many forms. For purposes of this Policy, requests regarding the described items below must be directed to the ITS Division of Legal Affairs (“DLA”) at its.sm.dla@its.ny.gov before any commitments to the Client Agency are made on ITS’s behalf.

Many ITS Client Agencies have computer matching, data sharing, or similar types of agreements with various federal, state, local, and private entities whereby these entities exchange electronic information and data with Client Agencies, or vice versa. Often, these agreements include statutory or regulatory compliance requirements for the information technology systems that receive, process, store, and transfer the data to and from the entity to the Client Agency. ITS, as the agency primarily responsible for the management of those systems, is often asked to execute the agreements; however, with different entities having different language in each of the agreements, it is not always appropriate for ITS to be a party to the agreement. Below are the five (5) most common scenarios regarding these agreements and how ITS will respond to each:

- a) For agreements that ITS has executed in the past, but the provided agreement does not include a separate signature block for ITS (e.g., the Client Agency added ITS), ITS will no longer be a party to the agreements. However, ITS will provide the Client Agency the information they need in order to execute the agreement with the knowledge that ITS will take all reasonable efforts to adhere to the information technology requirements set forth in the agreement.
- b) For agreements that ITS has executed in the past and the agreement specifically requires ITS, as the agency providing centralized information technology services to the Client Agency, to execute, ITS will continue jointly executing the agreement with the Client Agency.
- c) For newly presented agreements that do not explicitly require an ITS or centralized information technology service provider’s signature, ITS will not be a party to the agreement. However, ITS will provide the Client Agency the information they need in order to execute the agreement with the knowledge that ITS will take all reasonable efforts to adhere to the information technology requirements set forth in the agreement.

- d) For newly presented agreements that do explicitly require ITS or a centralized information technology service provider's signature, ITS will be a party to the agreement.
- e) For agreements, new or old, that include information security addenda, or similar, ITS will sign the addenda, but not the underlying agreement unless specified above and where ITS provides security services to the Client Agency.

5.0 Compliance

This policy shall take effect upon publication. Compliance is required with all ITS policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is required.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

Division of Legal Affairs
Reference: ITS-P22-001
NYS Office of Information Technology Services
State Capitol, PO Box 2062
Albany, NY 12220-0062
Telephone: (518) 473-5115
Email: its.sm.dla@its.ny.gov

Statewide technology policies, standards, and guidelines may be found at the following website: <http://www.its.ny.gov/tables/technologypolicyindex>

8.0 Revision History

This policy document should be reviewed consistent with the requirements set forth in *NYS-P08-002 Authority to Establish State Enterprise Information Technology (IT) Policy, Standards and Guidelines*.

Date	Description of Change	Reviewer
04/13/2022	Issued policy	Division of Legal Affairs

9.0 Related Documents
