



**COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF TRUSTEES
CONFIDENTIALITY POLICY**

Effective September 29, 2021

INTRODUCTION

Adoption of Confidentiality Policy:

In accordance with Kentucky Revised Statutes 78.782, the Board of Trustees (Board) of the County Employees Retirement System (CERS) is authorized to adopt procedures necessary to conduct the business of the retirement system as needed.

Statement of Confidentiality Policy:

Individuals and organizations associated with CERS must not release information about CERS or any of its members that would be in contravention to its statutory mandate, under Kentucky Revised Statutes 61.661, 78.545(25), and 61.931, et seq., to administer member accounts in a confidential manner or would breach any duty to protect such information. CERS recognizes the need to establish procedures to prevent such breaches.

Additionally, individuals covered by this Confidentiality Policy (Policy) must keep matters discussed in closed session pursuant to Kentucky Revised Statutes 61.810 confidential. Individuals covered by this Policy must also avoid using “confidential information acquired during his or her tenure with [CERS] to further his or her own economic interests or that of another person” in accordance with Kentucky Revised Statutes 61.655(1)(f) and 78.545.

This Policy is intended to be applied concurrently with other CERS internal policies, internal policies of the Kentucky Public Pensions Authority (KPPA), and Board policies. State and federal law shall control if any inconsistency exists between the law and this Policy.

Purpose:

The purpose of this Policy is to: a) establish the individuals and organizations that are subject to this Policy; b) establish the specific standards of conduct with regard to confidentiality; c) establish confidentiality agreements required for certain individuals and organizations; and d) establish

procedures for responding to a potential violation of the confidentiality provisions of this Policy and state and federal law.

PROCEDURES REGARDING CONFIDENTIALITY POLICY

Section 1: Application of Policy

1. This Policy shall apply to all individuals and organizations who have a statutory, contractual, or working relationship with CERS, including employees and contractors of the KPPA.
2. Individuals and organizations affected by this Policy shall include, but are not limited to:
 - a. Employees of CERS;
 - b. Members of the Board of Trustees of the County Employees Retirement System;
 - c. Independent contractors of CERS;
 - d. Vendors and service providers of CERS with whom a contractual obligation to CERS exists;
 - e. Employees of the KPPA;
 - f. Independent contractors of the KPPA; and
 - g. Vendors and service providers of the KPPA with whom a contractual obligation to the KPPA exists.

Section 2: Standards of Conduct Regarding Confidentiality

1. Individuals and organizations associated with CERS may be granted access to confidential information in the course of employment, as a CERS Trustee, or within a contractual relationship with CERS.
2. This confidential information may include, but is not limited to, individual member information, including but not limited to, Social Security numbers, names, addresses, phone numbers, birth dates, beneficiaries, health insurance information, Personal Identification Numbers (PIN), as well as documents, records, programs, files, scientific or technical information, or other information made available to individuals and organizations for purposes of completing their obligations to CERS.
3. This confidential information also includes any matters discussed in closed session pursuant to Kentucky Revised Statutes 61.810.
4. Individuals and organizations associated with CERS have a duty to keep confidential the information to which they are granted access as a result of their association with CERS,

and avoid using such information “acquired during his or her tenure with [CERS] to further his or her own economic interests or that of another person” in accordance with Kentucky Revised Statutes 61.655(1)(f) and 78.545.

5. CERS and these individuals and organizations shall also recognize that confidential information is protected under Kentucky Revised Statutes 61.661, 78.545(25) and 61.931, et seq., as well as HIPAA (the Health Insurance Portability and Accountability Act), as amended by the HITECH Act (the Health Information Technology for Economic Clinical Health Act, Title XIII of the American Recovery and Reinvestment Act of 2009), which are addressed more specifically in a separate policy.

Section 3: Written Statements of Confidentiality

1. Confidentiality Statement (Trustees): Within sixty (60) days of being sworn in as a Trustee, each Trustee shall provide to the CEO or designee a completed Confidentiality Statement attesting that the Trustee has reviewed this Policy and is aware of his or her obligation to abide by the law and this Policy governing the confidentiality of certain information that will be available to the Trustee during the course of his or her service on the Board. The Trustee agrees that all confidential information will remain confidential after the Trustee has left the Board.
2. Confidentiality Agreement (Contractors; Vendors; Service Providers): Upon proposal for a contract that requires the exchange or disclosure of confidential CERS information, the contractor, vendor, or service provider making the proposal shall file a written confidentiality agreement on a form provided by CERS and approved by the Board. The confidentiality agreement may be amended to conform to specific needs of the proposed contract as well as the individual contractor, vendor, or service provider.
3. Confidentiality Agreement (Others): Other individuals or organizations covered by this Policy may also be requested to file a written confidentiality statement as needed or requested by the Board.

Section 4: Violations of Confidentiality Policy

1. Any person who suspects that any individual or organization covered by this Policy has violated this Policy, the Bylaws, any County Employees Retirement System policy, or state and federal law shall, as soon as possible, notify the KPPA Office of Legal Services, Division of Non-Advocacy, of the possible violation by emailing the Division of Non-Advocacy at Legal.Non-Advocacy@kyret.ky.gov, by leaving a voicemail at (502) 696-8642, or by mailing a written statement to the attention of the KPPA Division of Non-Advocacy, Office of Legal Services, at 1260 Louisville Road, Frankfort, Kentucky 40601.

2. Notifications of possible violations should include the name of the relevant person or organization and a detailed description of the alleged violation including the time, date, and place, if known. All evidence regarding the alleged violation should also be provided to the KPPA Office of Legal Services, Division of Non-Advocacy.
3. Individuals who contact the KPPA Office of Legal Services, Division of Non-Advocacy, are not guaranteed complete anonymity; however, individuals who are employees of County Employees Retirement System or Kentucky Public Pensions Authority filing a complaint may be protected by the Kentucky Whistleblower Statute, Kentucky Revised Statutes 61.102.
4. If the alleged violation of this Policy involves an employee of the CERS or the KPPA and the KPPA Office of Legal Services, Division of Non-Advocacy, determines that a violation of this Policy, state law, federal law, and/or the KPPA's internal policies has occurred, then the following CERS or KPPA staff shall be notified of the violation, as appropriate:
 - a. CERS CEO,
 - b. Director of Internal Audit,
 - c. Select Executive Staff (the Executive Director, the Executive Director of the Office of Operations, the Executive Director of the Office of Benefits, and Executive Director of the Office of Legal Services),
 - d. Information Security Officer,
 - e. Incident Response team, and/or
 - f. The employee's supervisors.
5. If the alleged violation of this Policy involves a contractor, vendor, or service provider of CERS or the KPPA and the KPPA Office of Legal Services, Division of Non-Advocacy, determines that a violation of this Policy, state law, federal law, and/or the KPPA's internal policies has occurred, then the following CERS and KPPA shall be notified of the violation, as appropriate:
 - a. CERS CEO,
 - b. KPPA Staff Assistant (Procurement) for the Office of Operations,
 - c. Select KPPA Executive Staff (the Executive Director, the Executive Director of the Office of Operations, the Executive Director of the Office of Benefits, and Executive Director of the Office of Legal Services),
 - d. KPPA Information Security Officer, and/or
 - e. KPPA Incident Response team.
6. If the alleged violation of this Policy involves (i) a CERS Trustee, (ii) the CERS Chief Executive Officer, (iii) the CERS General Counsel, or (iv) a CERS contractor, vendor, or service provider, the following individuals shall be notified of the alleged violation and shall be kept apprised of the determination of whether the alleged violation in fact violates this Policy, state law, and/or federal law, as appropriate:

- a. The CERS CEO,
- b. The Chair of the Board,
- c. The KPPA Information Security Officer, and/or
- d. The KPPA Incident Response team.

Section 5: Required Actions Upon Disclosure of Confidential Information

1. If the disclosure of confidential information is a possible “security breach” of “personal information” as set forth in Kentucky Revised Statutes 61.931–61.934, then the provisions of these statutes, including notification and investigation as mandated by state law, shall be followed.
2. If the disclosure of confidential information implicate HIPAA and HITECH, then such disclosures shall be addressed in accordance with the Board HIPAA Privacy Use and Disclosure Procedures Policy, with notification, reporting, and further action as mandated by federal law.

CERTIFICATION

We, the Chair of the Board of Trustees of the County Employees Retirement System, and the Chief Executive Officer of the County Employees Retirement System, do hereby certify that this Confidentiality Policy was made effective by the Board of Trustees of the County Employees Retirement System on the 29th day of September, 2021.

Betty A Pendergrass
 Chair of the Board of Trustees
 County Employees Retirement System

09/29/2021
 Date

Ed Owens III
 Chief Executive Officer
 County Employees Retirement System

09/29/2021
 Date



**COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF TRUSTEES
TRUSTEE CONFIDENTIALITY STATEMENT**

Adopted: September 29, 2021

Instructions:

The Board of Trustees of the County Employees Retirement Systems (Board) has adopted a Confidentiality Policy outlining the confidentiality of certain information Trustees will be provided while serving on the Board.

Pursuant to the Board's Confidentiality Policy, within sixty (60) days of being sworn in as a Trustee, each Trustee shall provide to the CEO or designee a completed copy of this Confidentiality Statement.

Please submit this Confidentiality Statement by e-mailing this completed document to: Ed Owens, CERS CEO, (Ed.Owens@kyret.ky.gov). Completed forms may also be faxed to: (502) 696-8801.

Statement:

I have read the County Employees Retirement System Board of Trustees Confidentiality Policy made effective on September 29, 2021. I acknowledge my obligation under state and federal law to maintain the confidentiality of:

1. All member account information pursuant to Kentucky Revised Statutes 61.661, 78.545(25) and 61.931, et seq.;
2. Protected health information pursuant to HIPAA (the Health Insurance Portability and Accountability Act), as amended by the HITECH Act (the Health Information Technology for Economic Clinical Health Act, Title XIII of the American Recovery and Reinvestment Act of 2009);
3. Closed session discussions pursuant to Kentucky Revised Statutes 61.810; and
4. Information acquired during my tenure as a Trustee, which cannot be used to further my own economic interests or that of another person in accordance with Kentucky Revised Statutes 61.655(1)(f) and 78.545.

Certification:

Signature

Date

County Employees Retirement System
1270 Louisville Road
Frankfort, KY 40601

Betty A Pendergrass, Chair
Jerry Powell, Vice-Chair
Ed Owens, CEO