

# MANAGEMENT MEMO

	NUMBER: <b>MM 07-09</b>
SUBJECT: <b>REMOVAL OF CONFIDENTIAL, SENSITIVE OR PERSONAL INFORMATION FROM STATE-OWNED SURPLUS PERSONAL PROPERTY AND STATE-OWNED SURPLUS VEHICLES</b>	DATE ISSUED: October 11, 2007 <hr/> EXPIRES: UNTIL RESCINDED
REFERENCES: <b>STATE ADMINISTRATIVE MANUAL (SAM): CHAPTER 1600, SECTION 1693; CHAPTER 3500, SECTION 3520; CHAPTER 4100, SECTION 4111; CHAPTER 4800, SECTIONS 4841, 4845; CHAPTER 5900, SECTION 5953 GOVERNMENT CODE SECTIONS 6250-6265; CIVIL CODE SECTIONS 1798-29, 1798.3, 56 et seq; HEALTH AND SAFETY CODE SECTIONS 123100-123149.5; HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT 45 C.F.R. PARTS 160 and 164</b>	ISSUING AGENCY: DEPARTMENT OF GENERAL SERVICES (DGS)

**Purpose** This Management Memo defines State agencies' responsibilities for removing confidential, sensitive or personal information from State-owned surplus personal property (any property that is not real property and that is movable or not attached to the land) and surplus vehicles prior to disposition. It also contains instructions for the disposal of safes and furniture with locks and defines DGS and agency responsibilities if DGS employees find confidential, sensitive or personal information in surplus items.

**Who is affected** All State agencies, commissions, boards, and colleges are affected by this memo.

**Who should review** Information Security Officers, Privacy Officers, Program Managers, Business Services Officers, Property Controllers, Fleet Managers, and Warehouse Managers should review this memo.

**Agency responsibility** **State-owned surplus property**  
 Before disposing of State-owned surplus personal property, disposing agencies must remove all confidential, sensitive or personal information from the surplus property. Agencies must inspect the property thoroughly for such materials, paying special attention to storage areas in file and storage cabinets, credenzas, and desks, and provide for its proper disposal (see SAM sections 1693 and 5953 for disposal requirements).

Furniture with locks, such as storage cabinets, desks, and file cabinets, must be delivered to the warehouse unlocked. If keys are available, they must be provided with the delivery to State Surplus Property Warehouse staff. For safes, the combination and any key required to open each safe must be included with the delivery.

**State-owned surplus vehicles**  
 Before disposing of State-owned surplus vehicles, disposing agencies must remove from the vehicles all confidential, sensitive or personal information other than DMV-issued ownership and registration documents. Agencies must inspect vehicles thoroughly for confidential, sensitive or personal information, paying special attention to storage areas such as glove boxes, trunks, consoles, utility boxes, seat pouches and map pockets.

STATE ADMINISTRATIVE MANUAL

**Procedures for confidential, sensitive or personal materials found at surplus sites**

If DGS employees find confidential, sensitive or personal information in State-owned surplus personal property or a State-owned vehicle, DGS will notify the agency that disposed of the property, which must retrieve the materials immediately.

DGS will make reasonable efforts to maintain the security of confidential, sensitive or personal information its employees might find. If a security event or incident occurs, however, the disposing agency is responsible for incident notification and filing any necessary reports related to the incident (see SAM Section 4845 for Agency Information Security Reporting Requirements).

**Definitions**

**Confidential, Sensitive and Personal Information** is defined in SAM 4841.3 as:

**Confidential Information** is information maintained by State agencies that is exempt from disclosure under the provisions of the California Public Records Act (Government Code Sections 6250-6265) or other applicable State or federal laws.

**Sensitive Information** is information maintained by State agencies that requires special precautions to protect from unauthorized use, access, disclosure, modification, loss, or deletion. Sensitive information may be either public or confidential. It is information that requires a higher than normal assurance of accuracy and completeness. Thus, the key factor for sensitive information is that of integrity. Typically, sensitive information includes records of agency financial transactions and regulatory actions.

**Personal Information** is information that identifies or describes an individual as defined in statute. This information must be protected from inappropriate access, use or disclosure and must be made accessible to data subjects upon request. Personal information is further classified as:

- Notice-triggering personal information – specific items or personal information (name plus Social Security Number, driver license/ California identification card number or financial account number) that may trigger a requirement to notify individuals if it is acquired by an unauthorized person. See Civil Code Sections 1798-29 and 1798.3;
- Protected health Information – individually identifiable information created, received or maintained by such organizations as health care payers, health care providers, health plans and contractors to these entities, in electronic or physical form. State law requires special precautions to protect from unauthorized use, access or disclosure. See Confidentiality of Medical Information Act, Civil Code Section 56 et seq., and the Patients' Access to Health Records Act, Health and Safety Code Sections 123100-123149.5; and
- Electronic protected health information – individually identifiable health information transmitted by electronic media or maintained in electronic media. Federal regulations require State entities that are health plans, health care clearinghouses, or health care providers that conduct electronic transactions to ensure that privacy and security of electronic protected health information from unauthorized use, access or disclosure. See Health Insurance Portability and Accountability Act, 45 C.F.R parts 160 and 164.

**STATE ADMINISTRATIVE MANUAL**

**Related web sites**

Additional information can be found at the following web sites:

State Information Security Office – [www.infosecurity.ca.gov](http://www.infosecurity.ca.gov)  
California Office of Privacy Protection - [www.privacy.ca.gov](http://www.privacy.ca.gov)  
State Administrative Manual – <http://sam.dgs.ca.gov/TOC/default.htm>

**DGS contact**

If you need additional information or assistance, please contact: Dan McDonough, Surplus Property Program Manager, DGS Office of Fleet and Asset Management, 7100 National Drive, Sacramento, CA 95834, (916) 928-5807 or [dan.mcdonough@dgs.ca.gov](mailto:dan.mcdonough@dgs.ca.gov). Or, call the Office of Fleet and Asset Management main number at (916) 928-2550.

**Signature**

Original memo signed by Will Bush, Director

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Will Bush  
Director, Department of General Services