



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Legislation Details (With Board Report)

|                       |  |                      |                      |
|-----------------------|--|----------------------|----------------------|
| <b>File #:</b>        | A 16-309   | <b>Name:</b>         | Agreement Experian   |
| <b>Type:</b>          | BoS Agreement  | <b>Status:</b>       | Passed               |
| <b>File created:</b>  | 9/21/2016  | <b>In control:</b>   | Board of Supervisors |
| <b>On agenda:</b>     | 10/11/2016   | <b>Final action:</b> | 10/11/2016           |
| <b>Title:</b>         | Authorize the Director of Health or the Assistant Director of Health to execute agreements on behalf of the County of Monterey with ConsumerInfo.com, Inc., also known as Experian Consumer Services, to ensure timely privacy and security breach response by enabling Monterey County Health Department (MCHD) to offer free credit monitoring services as needed through June 30, 2020. |                      |                      |
| <b>Sponsors:</b>      | Ray Bullick  |                      |                      |
| <b>Indexes:</b>       |  |                      |                      |
| <b>Code sections:</b> |  |                      |                      |
| <b>Attachments:</b>   | 1. Board Report, 2. Flowchart_Experian_2016.pdf, 3. AGM_Admin_Experian_20160801-20161130.pdf, 4. TC_Admin_Experian_20160801-20161130.pdf, 5. Completed Board Order   |                      |                      |

| Date       | Ver. | Action By            | Action | Result |
|------------|------|----------------------|--------|--------|
| 10/11/2016 | 1    | Board of Supervisors |        |        |

Authorize the Director of Health or the Assistant Director of Health to execute agreements on behalf of the County of Monterey with ConsumerInfo.com, Inc., also known as Experian Consumer Services, to ensure timely privacy and security breach response by enabling Monterey County Health Department (MCHD) to offer free credit monitoring services as needed through June 30, 2020.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Authorize the Director of Health or the Assistant Director of Health to execute agreements on behalf of the County of Monterey with ConsumerInfo.com, Inc., also known as Experian Consumer Services, to ensure timely privacy and security breach response by enabling Monterey County Health Department (MCHD) to offer free credit monitoring services as needed through June 30, 2020.

### SUMMARY/DISCUSSION:

The residents of Monterey County that receive services from MCHD entrust the department with their information. This information is protected by numerous laws (State and Federal) and contract obligations. MCHD proactively works to meet these obligations through Department and Bureau level policies, trainings, and a robust Privacy Program. The MCHD Privacy Program includes potential breach investigation, risk mitigation, harm mitigation, self-reporting of established breaches and patient notification to those affected.

MCHD Privacy Program notifies any patients whose information was not properly handled as per California Civil Code Section 1798.29, and 42 U.S.C. Section 17932. Pursuant to these laws, if an individual's Social Security number was inappropriately disclosed, MCHD offers one year of free credit monitoring services. Timely response is essential to mitigate any potential harm to the affected residents.

Experian Consumer Services offers the credit monitoring products that the MCHD Privacy Program needs to offer; including safeguarding children whose Social Security numbers may have been compromised and to proactively order products that can be utilized as needed and only charge if the affected individual activates the

product.

MCHD has contracted with ConsumerInfor.com, Inc. for four cycles, as approved by the Contracts/Purchasing Officer. These products are ordered through an order form, see attached sample, that do not meet the standard Terms and Conditions that are accepted by the County. The Contract/Purchasing Officer recommended that MCHD present the request for authority to execute future agreements with ConsumerInfo.com, Inc.

The orders need to be renewed approximately every four months. These agreements have short terms and MCHD has a continuing need for the services. Over the past two years, we have offered these services approximately twenty times and no patient has ever chosen to activate the services. Despite the nonstandard terms and conditions of this agreement, it poses little risk to the County of Monterey due to the infrequent distribution of activation codes and the fact that no individuals have ever activated services that were offered. The greater risk is not being able to respond in a timely manner to an incident. Depending on the size of the incident, we could incur fines for not offering credit monitoring services in a timely fashion. More importantly, the affected individuals would be vulnerable to identity theft due to MCHD's mishandling of their Social Security numbers.

This work supports the Monterey County Health Department 2011-2015 Strategic Plan initiative number (3), to ensure access to culturally and linguistically appropriate, customer-friendly, quality health services and it also supports one or more of the ten essential public health services, specifically number (6), to enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

County Counsel reviewed and approved previous cycles of agreements with this vendor and recommended Board of Supervisor approval to continue services.

The Office of the Auditor-Controller reviewed and approved previous cycles of agreements with this vendor and recommended Board of Supervisor approval to continue services.

The Contracts/Purchasing Department reviewed and approved previous cycles of agreements with this vendor and recommended Board of Supervisor approval to continue services.

FINANCING:

Sufficient revenue and expenditures exist in all Health Department FY 2016-2017 Adopted Budgets for these services and sufficient revenue and expenditures will be included in future Department Budget requests.

Prepared by: Frances Stevens, Management Analyst 1, 4532

Approved by: Elsa Jimenez, Director of Health, 4526

Attachments:

MCHD Privacy Investigation Flow Chart is on file with the Clerk of the Board

Example Order form is on file with the Clerk of the Board

Example of Current Terms and Conditions is on file with the Clerk of the Board