Louisiana State Analytic & Fusion Exchange
(LA-SAFE)

PRIVACY POLICY
December 12, 2016

I. MISSION STATEMENT

A. Louisiana State Analytical & Fusion Exchange (LA-SAFE) promotes collaboration in an all-crimes/all-hazards environment, supporting federal, state, local, tribal and private sectors by working together to provide timely information for use in promoting public safety and national security against terrorist and criminal threats. LA-SAFE will support the state during major disasters and emergencies by gathering, analyzing and disseminating information to assist relevant agencies.

B. LA-SAFE actively works to collect and analyze information, providing responsible parties with pertinent background for decision-making processes, which permit resource maximization in the protection of the citizens of the State of Louisiana.

C. LA-SAFE evaluates all information provided ensuring that the information that is retained and utilized is directly related to lawful purposes and has been legally obtained. It shall not interfere with the free exercise of constitutionally guaranteed rights or privileges of individuals.

II. PURPOSE:

To outline the operating procedures and privacy protections for all systems operated by LA-SAFE while protecting individuals, public safety and individual privacy, civil rights, and civil liberties, and other protected interests.

III. DEFINITIONS

A. **"***Center*"-The operations center consisting of analysts, officers, and other supervisors; synonymous with the LA-SAFE.

B. *"Board of Directors"*-The group of individuals charged with providing guidance for the operations of LA-SAFE to the Deputy Secretary of Public Safety. The Board is responsible for approving all Standards of Operating Procedures to include LA-SAFE's privacy policy.

C. *Deputy Director of LA-SAAFE* -The Louisiana State Police Lieutenant assigned to the Investigative Support Section, appointed by the Deputy Secretary of Public Safety whose primary responsible for the operation of the LA-SAFE, operations, and coordination of personnel; the receiving, seeking, retention, evaluation, sharing, or disclosure of information; and the enforcement of these responsibilities. The Deputy Director of the LA-SAFE will serve as the trained LA-SAFE privacy officer. He can be contacted at the following e-mail address: Lamar.Davis@la.gov. He shall be the liaison for the Information Sharing Environment (ISE).

D. *Louisiana State Government Information System (LSGIS)*-The case management system used by the fusion center. It is the Department's records management systems for its intelligence and criminal files.

E. *LA-SAFE Director*-The Director, i.e., Louisiana State Police Captain assigned to the Investigative Support Section, appointed by the Deputy Secretary of Public Safety, who is primarily responsible for the operation of LA-SAFE, its justice systems, operations, and coordination of personnel; the receiving, seeking, retention, evaluation, sharing, or disclosure of information; and the enforcement of these responsibilities.

F. *"Need to Know"*-Indicates that an individual requesting access to criminal information has the need to obtain the data in order to execute official responsibilities.

G. *"Stakeholder Agencies*"-Those agencies participating in the operations of LA-SAFE in addition to sharing and collecting information.

H. *"Requestor"*-The individual law enforcement officer, Fusion Liaison Officer or agency making a request for information from, or reporting an incident to, LA-SAFE; synonymous with "user."

I. ***"****Reasonable Suspicion/Criminal Predicate"*–When sufficient facts have been established to give a trained law enforcement officer, Fusion Liaison Officer, or employee a basis to believe there is a reasonable possibility an individual or organization is involved in a definable criminal activity or enterprise. (28 CFR Part 23)

J. *"Right to Know"*-Requesting agency has official capacity and statutory authority to access the information being sought.

K. *"Personal Data"*– Any data that can be used to uniquely identify, contact, or locate a single person or entity. All information that is sought and collected into the fusion center is categorized and stored into IRS.

L. "*Third-Party Rule"*-An agreement wherein a source agency releases information under the condition that the receiving agency does not release the information to any other agency.

M. *Law Enforcement Sensitive (LES)*–Information that could adversely affect on-going investigations, create safety hazards for officers/agents, informants, or others and/or compromise their identities. Law Enforcement Sensitive information may only be released to authorized individuals with the need and right to know with approval of the Watch Center Supervisors, Watch Center Assistant Directors, Deputy Directors, or LA-SAFE Director.

N. *For Official Use Only (FOUO) or Sensitive, but Unclassified (SBU)*-Information that warrants a degree of protection and administrative control, that meets the criteria for exemption from public disclosure under the Privacy Act.

O. *Protected Information* includes personal data on any individual regardless of citizenship or residency status and, to the extent expressly provided in this policy, includes organizational entities.

IV. **ACQUIRING AND RECEIVING INFORMATION**

A. LA-SAFE has adopted internal policies to ensure it is in compliance with applicable laws protecting privacy, civil rights, and civil liberties for the use, analysis, retention, destruction, sharing, and disclosure of records collected by LA-SAFE. LA-SAFE and its personnel will be in compliance with the Code of Federal Regulations (28 CFR Part 23), Louisiana Constitution Article 1, Section 5, Louisiana Constitution Article 12, Section 3 and Louisiana Revised Statute 44:1 et seq., governing the collection of information. Additionally, LA-SAFE will adhere to criminal intelligence collection guidelines established under the National Criminal Intelligence Sharing Plan (NCISP). Stakeholder agencies are responsible for ensuring the legal validity of gathered information to include the following minimal guidelines.

1. The source of the information is reliable and verifiable.
2. Information supports reasonable suspicion the individual or organization is involved in criminal conduct, and the information is relevant to that conduct.
3. Information is collected in a fair and lawful manner, with knowledge and consent of the individual, if appropriate.
4. LA-SAFE will not seek or retain information about individuals or organizations solely on the basis of their religious, political, or social views or activities; their

participation in a particular non-criminal organization or lawful event; or their races, ethnicity, citizenship, places of origin, ages, disability, gender, or sexual orientation.

5. Information is accurate and current per Code of Federal Regulations 28 CFR Part 23.
6. Information gathering and investigative techniques used by LA-SAFE will be the least intrusive means necessary in the particular circumstance to gather information it is authorized to seek or retain.

B. LA-SAFE will abide by daily operating procedures for the initial collection and verification of information, including the screening process by an Investigative Specialist/call taker and the subsequent review by supervisory personnel.

C. LA-SAFE is maintained for the development of information and intelligence for and by participating stakeholder agencies. The decision of the agencies to participate with LA-SAFE and to decide which databases to provide for center access is voluntary and will be governed by the laws and rules governing those individual agencies, as well as by applicable federal laws to ensure compliance with constitutional and statutory laws listed above in protecting privacy, civil rights, and civil liberties in the collection, use, analysis, retention and destruction of information.

D. The center will contract only with commercial database entities that provide an assurance that their methods for gathering personally identifiable information comply with applicable local, state, federal law, statutes, and regulations and that these methods are not based on misleading information collection practices.

E. LA-SAFE will seek or retain information that:
   1. Is based on a criminal predicate or threat to public safety; or
   2. Is based on a reasonable suspicion that an identifiable individual or organization has committed a criminal offense or is involved in or planning criminal (including terrorist) conduct or activity that presents a threat to any individual, the community, or the nation and that the information is relevant to the criminal conduct or activity; or
   3. Is relevant to the investigation and prosecution of suspected criminal (including terrorist) incidents; the resulting justice system response; the enforcement of sanctions, orders, or sentences; or the prevention of crime; or
   4. Is useful in crime analysis or in the administration of criminal justice and public safety; and
   5. The source of the information is reliable and verifiable or limitations on the quality of the information are identified; and
   6. The information was collected in a fair and lawful manner, with the knowledge and consent of the individual, if appropriate
   7. LA-SAFE may retain information that is based on a level of suspicion that is less than ‘reasonable suspicion’, such as tips and leads or suspicious activity reports (SARs), subject to the policies and procedures specified in Section IV.

F. Information subject to collation and analysis is information as defined and indentified in Section IV.

G. Prohibited Information for Collection/Reporting
   1. Information on an individual or group merely on the basis that such individuals or group supports unpopular causes

2. Information on an individual or group merely on the basis of ethnic background
3. Information on an individual or group merely on the basis of religious or political affiliations
4. Information on an individual or group merely on the basis of non-criminal personal habits, action, or lifestyle
5. Criminal History Record Information if this information is subject to audit and dissemination restrictions

H. Information is not to be collected on a person because of race, religion, national origin, political affiliation, support of unpopular causes, social views or activities, participation in a particular noncriminal organization or lawful event, citizenship, age, ethnicity, place of origin, disability, gender, or sexual orientation. Unless directly related to criminal activity, the personal tendencies and orientation of a group or individual are not a law enforcement concern.

I. LA-SAFE will not directly or indirectly receive, seek, accept, or retain information from:
   1. An individual or nongovernmental entity who may or may not receive a fee or benefit for providing the information; or
   2. An individual or information provider that is legally prohibited from obtaining or disclosing the information.

J. LA-SAFE personnel will assess the information to determine its nature, usability, and quality. Personnel will assign categories to the information to reflect the assessment, such as:
   1. Whether the information consists of tips and leads, suspicious activity reports, criminal history or intelligence information, case records, conditions of supervision, or case progress;
   2. The nature of the source as it affects veracity. (Anonymous tip, trained interviewer, public record, private sector)
   3. The reliability of the source. (Completely reliable, usually reliable, fairly reliable, not usually reliable, unreliable. or reliability unknown)
   4. The validity of the content. (Confirmed by other sources, probably true; possibly true, doubtfully true, improbable, truth cannot be judged)

K. Non-criminal information may be entered into the Louisiana State Government Information System (LSGIS) as an Intelligence Report for the sole purpose of identifying an individual and/or organizations that meet the criteria of Section E.

L. Non-criminal information must be clearly labeled as "Non Criminal Identifying Information." This makes it obvious to any reader of the Intelligence Report that the information is not criminal in nature but is simply being used to identify the individual and/or organization/entity that do have a criminal nexus. Information shall be entered into the Louisiana State Government Information System (LSGIS) pursuant to applicable limitations on access and sensitivity of disclosure to:
   1. Protect confidential sources and police undercover techniques and methods;
   2. Not interfere with or compromise pending criminal investigations;
   3. Protect an individual's right of privacy, civil rights, and civil liberties; and
   4. Provide legally required protection based on the individual's status as a child, sexual abuse victim, resident of a substance abuse treatment program, resident of a mental health treatment program, or resident of a domestic abuse shelter.

M. Reports entered into LSGIS should be evaluated by the reporting officer and the responsible field supervisor as to sensitivity of content. LSGIS allows for data segregation that restricts access to report information based on its internal user's hierarchical settings.
    1. Sensitivity codes will be assigned as follows:
        a. Level A–Highly Sensitive: Any report pertaining to matters of public corruption or internal affairs. Access to a report with this classification is limited to the reporting officer and his chain-of-command.
        b. Level B–Sensitive or Open Cases: Sensitive information such as intelligence information relating to suspected criminal activity. In addition, any report that contains information relating to an on-going investigation that requires that the information be controlled in a strict manner. Inquiry on information contained in a report will prompt a response that identifies the reporting officer as a point of contact to the person making the inquiry. This necessitates the inquiring investigator to make a contact with the reporting officer who, with guidance from the reporting officer's field supervisor, will provide an appropriate response to the request based on the circumstances of the situation.
        c. Level C–Law Enforcement: This includes reports of general interest of investigative personnel, closed or unfounded investigations. Inquiry of information that may be contained in a report with this classification will allow the investigator and any user of the LSGIS access the report in its entirety. This information may be of interest or concern to other law enforcement agencies.
N. The classification of existing information will be reevaluated whenever:
    1. New information is added that has an impact on access limitations or the sensitivity of disclosure of the information; or
    2. There is a change in the use of the information affecting access or disclosure limitation.
O. LA-SAFE will keep a record of the source of all information sought and collected by the center.
P. LA-SAFE adheres to the current version of the ISE-SAR Functional Standard for its suspicious activity reporting process, including the use of a standard reporting format and commonly accepted data collection codes and a sharing process that complies with the ISE-SAR Functional Standard for suspicious activity related to terrorism. LA-SAFE personnel are required to adhere to the following practices and procedures for the receipt, collection, assessment, storage, access, dissemination, retention, and security of tips and leads and SARs information. LA-SAFE personnel will:
    1. Prior to allowing access to or dissemination of the information, attempt to validate or refute the information and assess it for sensitivity and confidence by subjecting it to an evaluation or screening process to determine its credibility and value and categorize the information as unsubstantiated or uncorroborated if attempts to validate or determine the reliability of the information fail. LA-SAFE will use a standard reporting format and data collection codes for SAR's information.
    2. Store the information using the same storage method used for data that rises to the level of reasonable suspicion and includes an audit and inspection process,

supporting documentation, and labeling of the data to delineate it from other information.

3. Allow access to or disseminate the information using the same access or dissemination method that is used for data that rises to the level of reasonable suspicion (need to know/right to know)
4. Regularly provide access to or disseminate the information in response to an interagency inquiry for law enforcement, homeland security, or public safety and analytical purposes or when credible information indicates potential imminent danger to life or property
5. Retain information for a period of time sufficient to work an invalidated tip, lead, or SAR information to determine its credibility and value or assign a "disposition" label (for example, undetermined or unresolved, cleared or unfounded, verified, or under active investigation) so that a subsequently authorized user knows the status and purpose for the retention and will retain the information based on the retention period associated with the disposition label.
6. Adhere to LA-SAFE's physical, administrative, and technical security measures that are in place for the protection and security for all its information. All information will be secured in a system that is the same or similar to the system that secures data that rises to the level of reasonable suspicion.

Q. LA-SAFE incorporates the gathering, processing, reporting, analyzing, and sharing of terrorism-related suspicious activities and incidents (SAR process) into existing processes and systems used to manage other crime-related information and criminal intelligence, thus leveraging existing policies and protocols utilized to protect the information, as well as information privacy, civil rights, and civil liberties.

R. LA-SAFE's SAR process provides for human review and vetting to ensure that information is both legally gathered and, where applicable, determined to have a potential terrorism nexus. Law enforcement officers, appropriate center, and participating agency staff will be trained to recognize those behaviors and incidents that are indicative of criminal activity related to terrorism.

S. LA-SAFE's SAR process includes safeguards to ensure, to the greatest degree possible, that only information regarding individuals involved in activities that have been determined to be consistent with criminal activities associated with terrorism will be documented and shared through the ISE. These safeguards are intended to ensure that information that could violate civil rights (race, religion, national origin, ethnicity, etc.) and civil liberties (speech, assembly, religious exercise, etc.) will not be intentionally or inadvertently gathered, documented, processed, and shared.

V. **DATA QUALITY**

A. LA-SAFE will make every reasonable effort to ensure that information sought or retained is derived from dependable and trustworthy sources of information; accurate; current; complete; including the relevant context in which it was sought or received and merged with other information about the same individual or organization only when the applicable standard has been met.

B. At the time of retention in the system, the information will be labeled regarding its level of quality (accurate, complete, current, verifiable, and reliable.

C. LA-SAFE investigates, in a timely manner, alleged errors and deficiencies and corrects, deletes, or refrains from using protected information found to be erroneous or deficient.
D. The labeling of retained information will be reevaluated when new information is gathered that has an impact on the confidence (validity and reliability) in previously retained information.
E. LA-SAFE will make every reasonable effort to ensure that information will be corrected, deleted from the system, or not used when the center learns that the information is erroneous, misleading, obsolete, or otherwise unreliable; the source of the information did not have authority to gather the information or to provide the information to the agency; or the source used prohibited means to gather the information; except when the source did not act as an agent to a bona fide law enforcement officer.
F. Originating agencies external to the fusion center are responsible for the quality and accuracy of the data accessed by or provided to LA-SAFE. The center will advise the appropriate contact person in the originating agency, in writing, if its data is alleged, suspected, or found to be inaccurate, incomplete, out of date or unverifiable.
G. LA-SAFE will use written or documented electronic notification to inform recipient agencies when information previously provided to the recipient agency is deleted or changed by LA-SAFE; for example, when the information is determined to be erroneous, includes incorrectly merged information, is out of date, cannot be verified, or lacks adequate context such that the rights of the individual may be affected.
H. Information acquired or received by LA-SAFE or accessed from other sources is analyzed according to priorities and needs and will be analyzed only to:
    1. Further crime prevention (including terrorism), enforcement, force deployment, or prosecution objectives and priorities established by the center, and
    2. Provide tactical and/or strategic intelligences on the existence, identification, and capability of individuals and organizations suspected of having engaged or engaging in criminal (including terrorist) activities.
I. The agencies participating in LA-SAFE remain the owners of the data contributed and are, therefore, responsible for the quality and accuracy of the data accessed by LA-SAFE. Inaccurate personal information can have a damaging impact on the person concerned and on the integrity and functional value of the center. LA-SAFE personnel will endeavor to ensure the accuracy of information received through database searches by crosschecks with other data systems and open source information. In order to maintain the integrity of the center, any information obtained through the center will be independently verified with the original source from which the data was extrapolated before any official action (e.g., warrant or arrest) is taken. Any third party information obtained by LA-SAFE will not be further disseminated without approval from the originator of the information. User agencies and individual users are responsible for compliance with respect to use and further dissemination of such information and the purging and updating of the data.

VI. **USE LIMITATION**

A. Information obtained from or through LA-SAFE can only be used for lawful purposes. A lawful purpose means the request for data can be directly linked to a law enforcement agency's active criminal investigation, or is a response to confirmed

information that requires intervention to prevent a criminal act or threat to public safety.

B. LA-SAFE will take necessary measures to ensure that access to the center's information and intelligence resources is secure. Unauthorized access or use of the resources is forbidden. The Board reserves the right to restrict the qualifications and number of personnel having access to the center and to suspend or withhold service to any individual violating this *Privacy Policy*. The Board, or persons acting on its behalf, further reserves the right to conduct inspections concerning the proper use and security of the information received from the center.

C. Information disseminated by LA-SAFE will be authorized on a "need to know" and "right to know" basis, and will be provided in accordance with applicable laws, rules, and regulations. Furthermore, all personnel who receive, handle, or have access to the center's data will be trained as to those regulations. All personnel having access to LA-SAFE data agree to abide by the following rules:
    1. Access to and disclosure of records retained by the center will be provided to those responsible for public protection, safety or public health.
    2. The center's data will be used only in support of specific purposes as authorized by law and only for those users and purposes specified in the law.
    3. Individual passwords will not be disclosed to any other person.
    4. Individual passwords will be changed if the password is compromised or improperly disclosed.
    5. Only personnel assigned to LA-SAFE that have undergone a background check and appropriate security clearance, if applicable, and who have been selected, approved and trained accordingly will have direct access to the center's acquired or received information.
    6. Use of the center's data in an unauthorized or illegal manner will subject the requestor to suspension or termination of user privileges; discipline by the requestor's employing agency, and/or criminal prosecution.

D. The set of identifying information sufficient to allow merging will utilize reasonable steps to identify the subject and may include the name (full or partial) and, in most cases, one or more of the following
    1. Date of birth
    2. Law enforcement or corrections system identification number
    3. Individual identifiers
        a. Fingerprints
        b. Photographs
        c. Physical description
        d. Height/Weight
        e. Eye and hair color
        f. Race/ethnicity
        g. Tattoos or scars
    4. Social security number
    5. Driver's license number
    6. Other biometrics
        a. DNA
        b. Retinal scan

c. Facial recognition

E. The identifiers or characteristics that, when combined, could clearly establish that the information from multiple records is about the same organization may include the name, federal or state tax ID number, office address, and telephone number.

F. If the matching requirements are not fully met but there is an identified partial match, the information may be associated if accompanied by a clear statement that it has not been adequately established that the information relates to the same individual or organization.

G. The LA-SAFE Director or his designee reserves the right to deny access to any center user who fails to comply with the applicable restrictions and limitations of the center's policy.

VII. ACCESS AND DISSEMINATION OF LAW ENFORCEMENT DATA SOURCES

A. Authorized persons

1. For purposes of this Policy, authorized persons are assigned to LA-SAFE or in other government agencies who are authorized to have access and only for legitimate law enforcement, public protection, public prosecution, public health, or justice purposes and only for the performance of official duties in accordance with law and procedures applicable to the agency for which the person is working.
2. Authorized users may disseminate LA-SAFE data to authorized persons as defined in this section only in accordance with the dissemination rules of this policy.

B. Authorized users

1. For purposes of this policy, authorized users assigned to LA-SAFE, commissioned police officers, and other criminal justice administrative personnel, who:
   a. Are approved for LA-SAFE access by the LSP; and
   b. Meet, at a minimum, the certification requirements for LA-SAFE access; and
   c. Undergo training regarding the system's capabilities as well as the appropriate use and sharing of data accessed through LA-SAFE.

C. Access to or disclosure of records retained by LA-SAFE will be provided only to persons assigned to the center or in other government agencies who are authorized to have access and only for legitimate law enforcement, public protection, public prosecution, public health, or justice purposes and only for the performance of official duties in accordance with law and procedures applicable to the agency for which the person is working.

VIII. SECURITY PROCEDURES

A. LA-SAFE is committed to protecting privacy and maintaining the integrity and security of personal information. LA-SAFE and Department of Public Safety Data Processing Center shall be responsible for implementing the following security requirements for its intelligence systems.

B. Firewalls are in place to prevent unauthorized agencies or entities from accessing LA-SAFE resources.

C. LA-SAFE utilizes various levels of Role-Based User Access.
   1. Each user's role shall determine the types of information accessible to the user.
   2. Each user's role contains certain permissions to modify or delete records.

D. Security Breach and Notifications–LA-SAFE and the Department of Public Safety Data Processing Center will monitor and respond to security breaches or breach attempts.
   1. In the event that LA-SAFE personnel become aware of a breach of the security of unencrypted personal information, LA-SAFE will notify any individual whose personal information was/or is believed to have been obtained by an unauthorized person and access to which threatens the physical or financial harm to the person.
   2. Any necessary notice will be made promptly and without unreasonable delay following discovery or notification of the access to the information, consistent with the legitimate needs of law enforcement to investigate the release or any measures necessary to determine the scope of the release of information and if necessary, to reasonably restore the integrity of any information system affected by this release.

E. Physical Safeguards–LA-SAFE systems shall be located in a physically secured area that is restricted to designated authorized personnel.
   1. Only designated, authorized personnel will have access to information stored in the LA-SAFE data systems.
   2. All visitors, regardless of agency, are required to register with designated authorized personnel and will be escorted by designated authorized personnel for the duration of the visit.

F. The LA-SAFE Director, or his designee, will identify technical resources to establish a secure facility for center operations with restricted electronic access, and alarm systems to guard against external breach of the facility. In addition, the LA-SAFE Director, or his designee, will identify technological support to develop secure internal and external safeguards against network intrusion of the center's data systems. Access to the center's databases from outside of the facility will only be allowed over secure network lines.

G. Disaster Recovery–The Department of Public Safety Data Processing Center has appropriate disaster recovery procedures for LA-SAFE data outlined in their Information and Technology Command Disaster Recovery Plan.

H. Information Security Officers-Federal agencies housed at LA-SAFE each has a dedicated information security officer. The Director, or his designee, will be the Information Security Officer for LA-SAFE. He shall be trained to handle network access/security.

I. Assessment Storage-Risk and vulnerability assessments are stored separately from law enforcement and intelligence data. Risk and vulnerability assessments are not available to the public.

J. LA-SAFE will secure tips, leads, and SAR information in a separate repository system using security procedures and policies that are the same as or similar to those used for a system that secures data rising to the level of reasonable suspicion under 28 CFR Part 23.

IX. **OPENNESS**

A. It is the intent of LA-SAFE and participating agencies to be open with the public concerning data collection practices when such openness will not jeopardize ongoing criminal investigative activities. LA-SAFE and its participating agencies will refer citizens to the original collector of the data as the appropriate entity to address any concern about data accuracy and quality, when this can be done without compromising an active inquiry or investigation.

B. The existence, content, and source of the information will not be made available to an individual when LRS 44.3 and LRS 44.3.1 applies or any of the following:
   1. Disclosure would interfere with, compromise, or delay an ongoing investigation or prosecution.
   2. Disclosure would endanger the health or safety of an individual, organization, or community.
   3. The information relates to LRS 44.3.1.
   4. LA-SAFE did not originate or does not have a right to disclose the information.

C. Research of LA-SAFE's data sources is limited to those individuals who have been selected, approved, and trained accordingly. Access to information contained within the center will be granted only to fully authorized personnel who have been screened with state and national fingerprint-based background checks, as well as any additional background standards established by the LA-SAFE Board with the approval of the Deputy Secretary of Public Safety.

D. LA-SAFE's privacy policy will be posted at LA-SAFE.org for public review and will be made available upon request.

X. **COMPLAINTS AND CORRECTIONS**

A. If an individual has complaints or objections to the accuracy or completeness of information about him/her originating with LA-SAFE, LA-SAFE will inform the individual to submit a written request of the complaint or requesting correction along with documentation. A record will be kept of all complaints and request for corrections and the resulting action, if any, by the Information Security Officer.

B. If an individual has complaints or objections to the accuracy or completeness of information about him/her that originates with another agency, LA-SAFE will notify the source agency of the complaint or request for correction and coordinate with the source agency to ensure that the individual is provided with applicable complaint submission or corrections procedures. A record will be kept of all such complaints and request for corrections and the resulting action taken, if any, by the Information Security Officer.

C. If an individual has complaints or objections to the accuracy or completeness of protected information that has been disclosed to him/her that is shared through the Information Sharing Environment (ISE), LA-SAFE will notify the originating ISE

participating agency of the complaint or request for correction and coordinate with them to ensure that the individual is provided with complaint submission or corrections procedures.

D. LA-SAFE's Deputy Director of the LA-SAFE will be responsible for receiving and responding to inquiries and complaints about privacy, civil rights, and civil liberties protection in the information system. The Deputy Director can be contacted at the following address: Lamar.Davis@la.gov.

XI. **INDIVIDUAL PARTICIPATION**

A. The data maintained by LA-SAFE is obtained through participating stakeholder agencies, federal agencies, and open source resources. Individual users of center's information are solely responsible for the interpretation, further dissemination, and use of information developed in the research process. Additionally, it is the responsibility of the user to ensure the accuracy, validity, and completeness of all intelligence information obtained prior to official action being taken in full or in part.

B. Information gathered and records retained by LA-SAFE may be accessed or disclosed to a member of the public only if the information is defined by law to be a public record or otherwise appropriate for release to further the center's mission and is not exempt from disclosure by law. Such information may be disclosed only in accordance with the law and procedures applicable to the Louisiana State Police for this type of information or when there is a legitimate need. All requests will be forwarded to the Department of Public Safety Legal Section for review and compliance. The Legal Section will send an acknowledgement letter to the requestor within three days of receipt of the written request stating that their request has been received and they will receive a response to their request within 30 days. LA-SAFE shall not confirm the existence or nonexistence of information to any person or agency that would not be eligible to receive the information itself. An audit trail will be kept of all requests and of what information is disclosed to a member of the public**.**

C. The individual to whom information has been disclosed will be given reasons if requests for correction(s) are denied by the center or originating agency. The individual will also be informed of the procedure for appeal when the center or originating agency has declined to correct challenged information to the satisfaction of the individual about whom the information relates.

D. Information gathered and records retained by LA-SAFE will not be:
   1. Sold, published, exchanged, or disclosed for commercial purposes;
   2. Disclosed or published without prior notice to the originating agency that such information is subject to redisclosure or publication, unless disclosure is agreed to as part of the normal operations of the agency; or
   3. Disseminated to persons not authorized to access or use the information.

XII. **ACCOUNTABILITY**

A. Queries made to LA-SAFE data applications will be logged into the center's data system identifying the user initiating the query. When such information is disseminated outside of the originating agency, prior approval from the originating agency shall be obtained prior to its release.

B. An electronic audit log is produced for all inquires into IRS. LA-SAFE and the Department of Public Safety Data Processing Center will maintain an audit trail of accessed, requested or disseminated information. An audit trail will be kept for a

minimum of five (5) years of requests for access to information for specific purposes and of what information is disseminated to each person in response to a request.

C. Secondary dissemination of information can only be to a law enforcement agency for investigative purposes or to other agencies as provided by law. The agency from which the information is requested will maintain a record of any secondary dissemination of information. This record should reflect at a minimum:
   1. Date of release.
   2. The subject of the information
   3. To whom the information was released (including address and telephone number).
   4. An identification number or other indicator that clearly identifies the data released.
   5. The purpose for which the information was requested.

D. The LA-SAFE Executive Governance Board, with the concurrence of the Deputy Secretary of Public Safety, will be responsible for conducting or coordinating internal or special audits, and for investigating misuse of the center's information systems.

E. LA-SAFE will conduct an annual audit and inspection of its information contained in LSGIS at the beginning of the fiscal year. In addition, an independent panel will be designated to conduct its own inspections. This independent panel has the option of conducting a random audit, without announcement, at any time and without prior notice to LA-SAFE. This audit will be conducted in such a manner as to protect the confidentiality, sensitivity, and privacy of LSGIS.

F. All confirmed or suspected violations of LA-SAFE policies will be reported through LA-SAFE to the Deputy Secretary of Public Safety or his designee. Individual users of LA-SAFE information remain responsible for the appropriate use of center information. Each user of the center and each participating agency within LA-SAFE are required to abide by this *Privacy Policy* in the use of information disseminated. Failure to abide by the restrictions for the use of LA-SAFE data may result in the suspension or termination of user privileges; discipline imposed by the user is employing agency, or criminal prosecution.

G. LA-SAFE personnel, participating agency personnel, personnel providing information technology services to the agency, private contractors, and other authorized users are in compliance with applicable laws protecting privacy, civil rights, and civil liberties, including, but not limited to: Code of Federal Regulations (28 CFR Part 23), Louisiana Constitution Article 1, Section 5, Louisiana Constitution Article 12, Section 3 and Louisiana Revised Statute 44:1 et seq.

H. LA-SAFE will provide a printed copy of this policy to all center personnel and non-agency personnel who provide services and will require both a written acknowledgement of receipt of this policy and a written agreement to comply with this policy and the provisions it contains.

I. LA-SAFE personnel or other authorized users shall report violations or suspected violations of center policies relating to protected information through LA-SAFE to the Deputy Secretary of Public Safety, or his designee

J. LA-SAFE will identify and review protected information that is originating from the center prior to sharing that information through the Information Sharing Environment. Further, LA-SAFE will provide notice mechanisms, including but not limited to metadata or data field labels that will enable ISE authorized users to

determine the nature of the protected information and how to handle the information in accordance with applicable legal requirements.

K. To delineate ISE information from other data, LA-SAFE maintains records of the ISE originating agencies the center has access to, as well as audit logs, and employs system mechanisms whereby the source is identified within the information record.

L. LA-SAFE requires certain basic descriptive information to be entered and electronically associated with data or content for which there are special laws, rules or policies regarding access, use and disclosure.

M. LA-SAFE's privacy officer will review and update the provisions protecting privacy, civil rights, and civil liberties contained within this policy annually and will make appropriate changes in response to changes in applicable law, technology, the purpose and use of the information systems, and public expectations.

N. LA-SAFE reserves the right to restrict the qualifications and number of personnel having access to center information and to suspend or withhold service to any personnel violating the privacy policy. LA-SAFE reserves the right to deny access to any participating agency user who fails to comply with the applicable restrictions and limitation of LA-SAFE's privacy policy.

XIII. **RETENTION**

A. All applicable information will be reviewed for record retention (validation or purge) every five years, as provided by 28 CFR Part 23. When information is misleading, obsolete or otherwise unreliable, it will be purged, destroyed, and deleted or returned to the submitting source. Permission to destroy or return information or records will be presumed if the applicable information is not validated within the specified time. Notification of proposed destruction or return of records may or may not be provided to the contributor, depending on the relevance of the information and any agreement with the providing agency.

B. Criminal intelligence information and requests for information will be deleted (purged) from LSGIS periodically if, after holding the information for five years, no updated criminal activity has been documented.

C. Each entry into LSGIS will be evaluated on its own content and may be retained if it is the opinion of the supervisor that retention of the information serves a valid law enforcement purpose and the information has been updated to comply with the retention schedule.

D. A record of information to be reviewed for retention will be maintained by the Department of Public Safety's Information Technology Section. Prior to purging intelligence information, an electronic copy of the information will be sent to the originating unit supervisor 90-days prior to purging advising that the information will be purged from LSGIS. If this supervisor has current intelligence information indicating that the subject is currently involved in criminal activity, an updated intelligence submission will authorize LA-SAFE or the Investigative Support Section to maintain the information for an additional five years.

XIV. **TRAINING**

LA-SAFE will require all personnel assigned to the center and having access to criminal intelligence information or LSGIS to participate in a training program regarding this policy.

A. The training program will address the following:

1. Purpose of this policy;
2. Substance and intent of the provisions of the policy relating to collection, use, analysis, retention, destruction, sharing, and disclosure of criminal intelligence information and tips and leads information;
3. Implementation of this policy in the day-to-day work of the user (either paper or systems user);
4. Impact of policy violations upon citizens and the agency; and
5. Penalties for policy violations

B. LA-SAFE will provide special training to personnel authorized to share criminal intelligence information in the Information Sharing Environment regarding the requirements and policies for collection, use, and disclosure of criminal intelligence information.