



TENNCARE POLICY MANUAL

Policy No: ORG 09-003 (Rev. 2)

Subject: Investigative Monitoring & Examination of HCFA Employees' Computer, Email, and Internet Usage

Approved by:

Vicki Bragg

Date:

7/12/16

PURPOSE

To establish a comprehensive policy for the Division of Health Care Finance and Administration (HCFA) regarding the investigative monitoring and examination of an employee's computer, email, and internet usage.

BACKGROUND

The State of Tennessee Acceptable Use Policy signed by each employee states, "The State of Tennessee actively monitors network services and resources, including, but not limited to, real time monitoring. Users should have no expectation of privacy. *These communications are considered to be State property and may be examined by management for any reason including, but not limited to, security and/or employee conduct.*"

POLICY

All investigations that include internal monitoring and examination of an employee's computer, email, and internet usage will be performed and/or coordinated through HCFA's Office of Audit and Investigations (A & I) and require the concurrence of the Director of A & I, the General Counsel, and the Director of Administrative Services (the Audit Investigation Committee).

PROCEDURES

Origin of an Investigation: Investigations may originate from such sources as but not limited to the following:

- In response to the Tennessee Comptroller of the Treasury's Fraud, Waste, and Abuse Hotline;
- In response to the Office of Inspector General's TennCare Fraud Hotline;
- As a result of a request from an outside authority or agency;
- As a result of observations, inquiries, or other audit procedures performed by A & I;
- In response to a request or tip received by A & I from an individual who A & I deems to be independent and objective;
- In response to a request from the HCFA Director or a member of the HCFA executive staff;
- At the request of the Director of Administrative Services when deemed necessary and appropriate in order to provide information relevant to a HCFA employee's disciplinary matter¹; and
- Other sources as appropriate.

Authorization to Initiate an Investigation: Investigations will only be initiated and performed after evaluation by the Audit Investigation Committee. The authorization for the investigation will consist of the signed approval of the Investigation Authorization form (See Attachment 1) by the Audit Investigation Committee prior to the start of the investigation. Failure to obtain the signed Investigation Authorization form prior to beginning an examination of an employee's computer could result in disciplinary action up to and including termination.

Scope, Timing, and Duration of the Investigation: The scope, timing, and duration of the investigation will be consistent with the nature and primary purpose of the examination. The specific procedures to be performed will include the utilization of appropriate audit procedures, tools, and resources which may include one or more of the following:

- Obtaining and reviewing in any combination the employee's hard drive (either by remote access to the hard drive or by physically acquiring and copying the hard drive), IP log files, removable media, mobile devices, phone records, and/or email
- The capture of selected activity at the work station, network, or internet level

¹ This policy recognizes that HCFA presently has a number of formal policies and administrative processes in place that addresses such matters as proper workplace behavior, a prescribed channel for reporting violations, and the resultant disciplinary actions if any. This policy's intent is not to be used as a substitute for these processes, but rather a supplemental tool for such matters.

- The performance and utilization of other auditing tools and techniques deemed necessary

In all cases the scope; timing; examination tools and techniques; duration of the investigation; as well as the resultant reporting will be determined by the Chief Audit Executive in consultation with the Audit Investigation Committee.

Notification: The Director of A & I will notify the following individuals of the commencement of an investigation (unless warranted otherwise)²: HCFA Director, Chief Information Officer, Chief Operations Officer, and the Executive Staff member to whom the person being investigated reports. The Commissioner of Finance and Administration and/or the Tennessee Comptroller of the Treasury may also be notified if deemed necessary.

Confidentiality of Findings: All collected data resulting from the investigation will be considered the Office of A & I's working papers and are not open records pursuant to T.C.A. § 10-7-504(a)(22). The collected data and reports will be treated as confidential information and retained and secured in accordance with Audit and Investigation's policies and procedures.

Data collected directly or indirectly not pertaining to the scope or purpose of the examination will not be released to any outside party with the exception of data that appears to indicate illegal activity which will be reported to the appropriate law enforcement authorities.

OFFICES OF PRIMARY RESPONSIBILITY:

Audit and Investigations – *Has primary authority and responsibility for all phases of the investigation*

OTHER RESPONSIBLE PARTIES:

Information Systems – *Provides requested support*

Strategic Technology Solutions – *Provides access to email and IP log files*

Human Resources – *Monitors the compliance with existing policy and procedures pertaining to any resultant disciplinary actions*

Office of General Counsel – *Provides legal guidance*

RELATED DOCUMENTS:

Attachment 1: Investigation Authorization Form

² This policy recognizes that one or more of the named individuals could be the subject of the investigation and as such would obviously not be notified.

REFERENCES:

State of Tennessee Acceptable Use Policy & Procedures

<https://www.tn.gov/assets/entities/finance/attachments/aupNetworkAccess.pdf>

Tennessee Code Annotated, Section 10-7-504(a)(22)

<http://www.lexisnexis.com/hottopics/tncode/>

Original: December 3, 2009; Vicki Guye

Reviewed/No changes: December 8, 2010; Vicki Guye

Reviewed/No changes: December 6, 2011; Vicki Guye

Reviewed/No changes: January 2, 2013; Vicki Guye

Rev. 1: January 29, 2014: Vicki Guye

Rev. 2: July 12, 2016: Vicki Guye

Attachment 1

----**CONFIDENTIAL**----

A & / Use Only

Case ID# _____

INVESTIGATION AUTHORIZATION

HCFA Audit & Investigations

This document is intended to initiate and document the authorization and approval for the Division of Health Care Finance and Administration's Audit and Investigations Division to commence monitoring and/or examination of an employee's computer, email, and internet usage.

Requester Information					
Name		Title			
Division		Phone			
Statements Made by Complainant Regarding the Allegation					
			Date of Alleged Activity:		
			Date Allegation Reported:		
Any Additional Information NOT Made by the Complainant					
Individuals to be Investigated (OGC MUST COMPLETE Litigation Hold Column)					
Name	User ID	Job Title	Supervisor	Litigation Hold	
Items to be Examined (Initial each one)					
Item	Initial	Item	Initial	Item	Initial
Hard Drive		Outlook Email		Network Logs	
Live PC Monitoring (no keylogger)		Live PC Monitoring (No Restrictions)		Phone Logs	
Purpose/Goal to Determine During the Investigation					
By signing below, I approve and authorize the above investigation to be conducted by Internal Audit.					
Admin Services Director Signature/Date			General Counsel Signature / Date		
Chief Audit Executive Signature / Date					