USER SECURITY AND USE POLICY and FORM

Persons who execute a user account request form are bound to the terms of this policy.

I. Introduction

The Health Commerce System (HCS) has been developed as a secure system for collecting and distributing data among state entities, health facilities/providers and partners. The purpose of this document is to:
- Describe the policy that the user of the HCS must agree to and the conditions that must be met in order to obtain and retain an HCS account
- Provide an account request form or enroll using the Paperless HCS User Account process to permit an HCS account to be established for a new user of the HCS
- Describe the policy for and methods of providing an existing user of the HCS with an association to this organization

II. Joint Organizational - User Attestation Requirements

There are two joint organizational-user attestation requirements for HCS account creation: Account establishment and organizational affiliation.

a.   Establishing and Retaining Account Access

   You are eligible to apply for, receive and use an HCS user account if
- You are employed by or otherwise under the authority of an HCS organization
- You and your organization can justify the need for your access to the HCS
- A HCS Coordinator designated by your organization agrees to sponsor you as a user
- You agree to all the terms and conditions of this User Security and Use Policy
- A HCS Coordinator prepares and signs the User Account Request Form or enrolls the user using the HCS Paperless User Account process
- You complete and sign the User Account Request Form in the presence of a notary; or if you use the HCS Paperless User Account process, show your valid photo ID to your HCS Coordinator to be enrolled
- The Commerce Accounts Management Unit (CAMU) receives accurate and complete originals of your User Account Request Form, if used.

This process will bind you and the co-signing/enrolling organization to the policies outlined in this document and establishes your account. A prerequisite to retaining an active HCS account is that CAMU must have at least one valid, notarized User Account Request Form on file for you from an HCS organization or your HCS Coordinator enrolls at an HCS organization. Your account will be deactivated should your need for access or your employment status with the co-signing/enrolling organization change, and there is no other notarized account request form/enrollment for you from another organization on file with CAMU. In this case, your account will be deactivated until you submit another valid, notarized User Account Request Form or enroll using the Paperless HCS User Account process.

b.   Establishing Organizational Affiliations

HCS users may be employed by, or be affiliated with, multiple HCS organizations. If you are engaged in activities in which you access the HCS on behalf of multiple HCS organizations, then you and the respective organization(s) must establish an affiliation with those organizations on the HCS as well. This can be achieved through the HCS coordinator approval process.

- You can execute a separate User Account Request Form or enroll using the Paperless HCS User Account process for each HCS organization through the standard HCS coordinator approval process. This is the preferred practice as it preserves your account in the event that you leave employment of one organization. Roles do not preserve an account. (You are required to notify CAMU of any change in employment status.)

III. Binding Effect

This document supersedes all previous versions. By signing this agreement the user indicates that he/she understands and agrees to the responsibilities and duties described in this document. The user understands and agrees that he/she is bound by this agreement regardless of organization or location from which the HCS is accessed. The user also understands that future modifications to this agreement may be made and that the user's agreement with these changes may be effected on the HCS. The user understands and agrees that he/she will be bound by the agreement.

By signing this agreement or enrolling a user the HCS Coordinator indicates he or she understands and agrees on behalf of the HCS organization that
- the user has a valid affiliation with the organization and the Coordinator has exercised due diligence in verifying this fact (eg. checked with the HCS Director of the organization or user's Department Head)
- the user has valid need to access the HCS for this organization
- the organization will enforce the terms and conditions of this agreement as it applies to this user
- the organization will be responsible for actions of this user in regard to their compliance with the HCS policies, at all times and places and under all conditions

IV. Security

Authorized HCS users can create their own user ID and password using the Paperless HCS User Account process; however, if said user completed the User Account Request Form, they will be assigned a user ID, a Personal Identification Number (PIN), and a password by CAMU. These codes are unique for every user, must be saved securely for future reference. The PIN and password may **not** be shared with others. The consequences of sharing an HCS access account are severe, and can include revocation of the account. Multiple instances of violations that compromise the security of account usage may result in the inability of your organization to do business on the HCS.

Because HCS uses the ID and PIN codes to manage and control access to data, including confidential information, CAMU must be notified immediately at camu@its.ny.gov or **1-866-529-1890** if a user suspects that any of these confidential access codes may have been compromised.

The HCS has routines in place to prevent unauthorized access of HCS data. Users will not attempt to circumvent these routines.

For both security and performance reasons, all HCS user accesses is logged and/or monitored. Users, therefore, understand that these logs and monitoring sessions can trace their activities on the HCS and agree that their activities on the HCS may be logged and monitored.

Users must notify the HCS coordinator (HCSC) immediately about any change in their employment or duties that will affect authorized HCS access. To notify CAMU if the HCSC cannot be contacted, call 1-866-529-1890 or write camu@its.ny.gov.

V. Access and Usage of Data

The HCS is a series of data collection and distribution systems developed by various programs. Program areas that are responsible for collection and maintenance of particular data shall authorize access to that data via the HCS. The same program area is also responsible for responding to questions about the data to which they authorize access.

a. Acceptable Use

Acceptable use is use that is authorized by the HCS organization, unless otherwise indicated by NYS, and is consistent with public health functions and all applicable laws and regulations.

b. Unacceptable Use

Examples of unacceptable use are:
- for any illegal or unauthorized purpose
- transmission of threatening, obscene, or harassing materials
- interference with or disrupt network users, services or equipment
- distribution of any advertising materials or products
- propagation of computer worm or viruses
- using the network to make unauthorized entry to other communication devices or resources
- using the network to infringe upon any copyright protections applicable to programs and/or data available on the HCS
- for personal profit, or gain
- advertising or promoting products or services
- for the distribution of Chain letters or broadcasting messages to lists or individuals
- for use that causes congestion or otherwise interfere with the work of others
- for recreational activities
- intentional development of programs that harass and/or damage or alter the software components of a computer or computing system

The guidelines established with the policy are intended to be illustrative of the range of acceptable and unacceptable uses of the HCS and its facilities and are not exhaustive. Questions about specific uses not set forth in this policy should be directed by e-mail to camu@its.ny.gov. Instances of specific unacceptable uses must be reported by e-mail to camu@its.ny.gov immediately.

VI. Reason for Access

Users requesting access to the HCS must have a valid and acceptable reason for access. This typically involves a user satisfying a state mandated reporting activity on behalf of the organization, performing health activities such as assurance/surveillance/planning/preparedness/response, or serving a critical role at the organization that is associated with these activities and requires access to data/information as part of that role.

State entities and program areas are responsible for controlling access to their applications and data. They will review requests and act on them via their own protocols for access approval. It is therefore understood that granting of access requests to applications and data on the HCS is subject to state entities and program area approval and protocols.

VII. Data Disclosure

Data/information originating from the HCS is protected under state and federal confidentiality laws as well as policy/procedures. Employees or agents of HCS organizations who have acquired knowledge of personal or health data/information from the HCS **shall not disclose this information to any other person,** unless that person is authorized by the state entity or a program area and has official reason to see that information.

VIII. Enforcement

Violations of this policy can result in termination of HCS services for the person(s) at fault.   Unauthorized use, fraudulent use, unacceptable use, abuse of computing on network facilities, or unauthorized disclosure of information

will lead to suspension of the user's account and/or referral for appropriate legal action. Legal consequences may include suspension or revocation of a professional license, fines and/or imprisonment.

IX. HCS User Responsibilities and Duties

Because the Health Commerce System (HCS) is a secure system for collecting and distributing data between state entities, health facilities/providers and partners, it is very important for each user to accept the responsibilities of this document and perform the duties expected of them when using the HCS.

Individuals requesting an account on the HCS must accurately complete the User Account Request Form in its entirety or complete the Paperless HCS User Account process.

Duties of each user with an established HCS account include:
- adhering to the terms and conditions of this agreement in its entirety (including its schedules) regardless of the location from which the user accesses the HCS
- assuring the PIN number and password of the HCS account are kept confidential in a secure place and are not shared with anyone (PIN number used for the User Account Request Form)
- updating the contact information recorded in the Communications Directory when necessary so that it is accurate at all times
- maintaining the confidentiality of all data and information accessed on the HCS
- accessing only that information on the HCS for which the user has been duly authorized
- reporting any indications of fraudulent use, including being asked to use another's account to gain access to information not specifically authorized to yourself or by witnessing such an action from another user
- contacting the HCS coordinator(s) at the HCS organization(s) for which they are to access the HCS at least 3 business days prior to any change in user's HCS responsibilities or in user's employment status affecting the standing of the account or notifying CAMU at 1-866-529-1890 if contacting the HCS coordinator is not possible