

What is the Government Data Collection and Dissemination Practices Act?

The Government Data Collection and Dissemination Practices Act (GDCDPA) addresses the difficulties posed to individual privacy by the collection and dissemination of personal information. (§ 2.2-3800).

Who/What Does the GDCDPA Apply To?

Any **agency** maintaining an information system that includes personal information.

"**Agency**" means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth or of any unit of local government including counties, cities, towns, regional governments, and the departments thereof, and includes constitutional officers, except as otherwise expressly provided by law. "Agency" shall also include any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the operation of a system of personal information to accomplish an agency function. (§ 2.2-3801).

Exemptions from the GDCDPA (§ 2.2-3802) - Personal information systems:

- Maintained by any court of the Commonwealth;
- Which may exist in publications of general circulation;
- Contained in the Criminal Justice Information System or Sex Offender and Crimes Against Minors Registry;
- Contained in the Virginia Juvenile Justice Information System;
- Maintained by various police and sheriff's departments if dealing with investigations and intelligence gathering related to criminal activity;
- Maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;
- Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.); and
- Numerous other personal information systems described in § 2.2-3802.

What Does the GDCDPA Do?

- 1) Governs the recordkeeping agencies of the Commonwealth. § 2.2-3800 lays out numerous principles for those recordkeeping agencies including:
 - a. Information shall not be collected unless the need for it has been clearly established in advance.

- b. There shall be a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination.
 - c. There shall be a clearly prescribed procedure to prevent personal information collected for one purpose from being used for another purpose.
 - d. The Commonwealth or any agency or political subdivision thereof shall not collect personal information except as explicitly or implicitly authorized by law.
- 2) Places requirements on agencies maintaining information systems that include personal information (§ 2.2-3803). Some examples include:
- a. Collect, maintain, use, and disseminate only that personal information permitted or required by law to be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the agency.
 - b. Collect information to the greatest extent feasible from the data subject directly.
 - c. Make no dissemination of information to another system without certain conditions.
 - d. Collect no personal information concerning the political or religious beliefs, affiliations, and activities of data subjects that is maintained, used, or disseminated in or by any information system operated by any agency unless authorized explicitly by statute or ordinance.
- 3) Establishes the rights of "data subjects" (§ 2.2-3806). Includes:
- a. How an individual who is asked to supply data is informed of his rights, including his right to refuse to provide data and the consequences of refusing to supply such data;
 - b. What information data subjects may request to inspect;
 - c. Minimum conditions of disclosure to data subjects; and
 - d. Minimum procedures for challenging or changing information in the system.
- 4) Governs the collection, disclosure, and display of social security numbers by agencies as well as the disclosure of identification numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems supplied to the agency for purposes of collecting fees, fines, taxes, or other charges. (§ 2.2-3808 and 2.2-3808.1).
- 5) Provides for relief from violations of the GDCDPA by allowing an aggrieved person to institute a proceeding for an injunction or mandamus. Creates additional civil penalties for violations of the GDCDPA that are to be paid into the Literary Fund if such penalty is imposed by the court. (§ 2.2-3809).

***The 2018 General Assembly passed **SB 580 (Hanger)**, which goes into effect on July 1, 2018.

- The bill amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions.

- Reasons for the sharing or dissemination of data or information among and between agencies include:
 - Streamlining administrative processes to improve the efficiency and efficacy of services, access to services, eligibility determinations for services, and service delivery;
 - Reducing paperwork and administrative burdens on applicants for and recipients of public services;
 - Improving the efficiency and efficacy of the management of public programs;
 - Preventing fraud and improve auditing capabilities;
 - Conducting outcomes-related research;
 - Developing quantifiable data to aid in policy development and decision making to promote the most efficient and effective use of resources; and
 - Performing data analytics regarding any of the purposes set forth in this definition.