



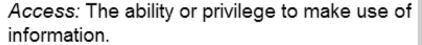
2018 DTF Annual Access and Disclosure Page 1



As an employee or contractor, you may only access information for which you have been authorized and for which you have a <u>business</u> <u>need</u>. Although you may have a legitimate reason to access information, you have an obligation to protect what you have viewed, printed or stored.



### **Definition:**



You have a responsibility to maintain the confidentiality of personal, private and sensitive information entrusted to us. This information is referred to as "confidential information."

#### What is Confidential Information?

Confidential Information is information that can be directly or indirectly associated with a particular taxpayer, such as tax returns, return information, employee health insurance information, and driver's license information. It can exist in a variety of forms, such as e-mail, paper, electronic media, etc. It also includes any information that would compromise revenue.

Such information also includes: Audit Division selection criteria; dollar tolerance procedures; audit work papers and documents; information





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#### Examples of confidential information:

- Social Security Number (SSN)
- Taxpayer return information
- Wages
- Taxpayer filing history
- Information related to any current or potential audit/investigation activity
- Official personnel information
- Audit work papers or anything else that contains information taken from tax returns or schedules
- Computer programs and information system design documentation



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#### Need to Know

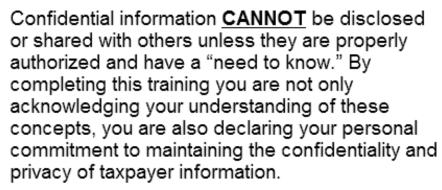
Accessing confidential information must be limited to what you "need to know" in order to perform your official responsibilities. Official duties NEVER include accessing your own tax records or those of co-workers, neighbors, friends or family. You are NOT allowed to access your own tax records or those of co-workers, neighbors, friends or family for training, testing, or other work-related programming activities.

Without the "need to know," you are not authorized to access, attempt to access, request or modify confidential information.



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### **Definition:**

Disclosure: Making information known in any manner, including phone calls, faxes, letters, discussions or any electronic means, such as email. This includes disclosures to yourself of information you are not entitled to know.

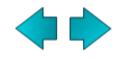


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DO <u>NOT</u> disclose confidential or sensitive information, including tax information unless:

- You are authorized to provide the information.
- You have verified the identity of the contact person.
- The recipient is authorized to receive the information requested.

DO <u>NOT</u> disclose any information if you are unsure whether someone is authorized to receive that information.





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1. An employee's request for medical leave is considered confidential.



- False
- Information system design documentation is confidential True
  - False



3. It is okay to access your own tax records for testing purposes.

- True
- False



4. One of my co-workers asked me to look up someone's information and I was not informed why. It is OK to do this.

- True
- False

You have completed this Knowledge Check page

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### Public Officers Law

Section 73 and Section 74 of the Public Officers Law provides standards of conduct and ethics of all state officers, employees and party officers.



1. Definitio

As used in this section: The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority or least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of street-or of the state finance law or their successors:

egislative employee" shall mean any officer or employee of the legislature but it hade members of the legislature.

espect to conflicts of interes

or employee of a state agency, member of the legislature or legislative employee any interest, financial or otherwise, direct or indirect, or engage in any business or or professional activity or incur any obligation of any nature, which is in substantial to the proper discharge of his or her duries in the public interest.

officer or employee of a state agency, member of the legislature or legislative ployee should accept other employment which will impair his or her independence adgment in the exercise of his or her official daties.

officer or employee of a state agency, member of the legislature or legislative player should accept employment or engage in any business or professional activity it will require him or her to disclose confidential information which he or she has said by reason of his or her official position or authority.

officer or employee of a state agency, member of the legislature or legislative playee should disclose confidential information acquired by him or her in the course his or her official duties nor use such information to further his or her personal

officer or employee of a state agency, member of the legislature or legislative ployee should use or attempt to use his or her official position to secure semanted privilegas or exemptions for himself or harself or other, including but not ted to, the misappropriation to himself, herself or to others of the property, services other researces of the state for grivate business or other compensated nonemmental purposes.

Revised September 2016

#### PUBLIC OFFICERS LAW

§ 73. Business or professional activities by state officers and employees and party officers.

#### 1. As used in this section:

- (a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the joint commission on public ethics or legislative ethics commission in relation to persons subject to their respective jurisdictions.
- (b) The term "Noveming" shall mean any state agency activity, other than before the division of corporations and state records in the department of state, respecting the grant, denial, renewal, revocatific, enforcement, suspension, annulment, withdrawal, recall cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a regulatory agency as defined herein, which in the absence of such license, permit or other form of permission would be prohibited.
- (c) The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.
- (d) The term "ministerial matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.
- (e) The term "regulatory agency" shall mean the department of financial services, department of financial services, state liquor authority, department of agriculture and markets, department of education, department of environmental conservation, department of health, division of housing and community renewal, department of state, other than the division of corporations and state records, department of public service, the industrial board of appeals in the department of labor and the department of law, other than when the attorney general or his agents or

PUBLIC OFFICERS LAW §73
NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS





Page 7 Page 8



HE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE

This New York Sta governing inspec

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BY LOGGING IN

## Computer Security

Every time you access our confidential computer systems, you are reminded about the penalties and possible disciplinary actions for unauthorized access, disclosure or use of confidential information. When accessing our computer systems, you are subject to routine monitoring of account activities for improper use.

OK

# THIS NETWORK IS MONITORED

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# **Computer Security**

#### Password Rules:

Each person is responsible for any activity that takes place under his/her USER ID. Following the PASSWORD guidelines below, will help secure all activity performed under your USER ID.

#### Password Guidelines:

- Use PASSWORDS that CANNOT be easily guessed.
- Never let anyone use your USER ID or PASSWORD to log in.
- Never share your PASSWORD with anyone, not even your supervisor or Help Desk Staff.
- Do NOT write your PASSWORD down.
- Do NOT use the same PASSWORD for different systems (e.g. home PC, personal email account, personal bank account, etc...)



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## Computer Security



#### Password Retention Pop-up

You may see one of the following messages below when a password is required to perform job functions such as accessing NY.GOV:

- DO NOT click "Yes" or "Save Password"
- DO CLICK "No," "Not for this site," or "Never for This Website"





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# **Computer Security**





Always log off, lock up (Ctrl, Alt & Delete) or shut down your computer whenever you are away from it.

Locking your computer can be done by pressing Ctrl, Alt & Delete, then click on "Lock this computer" or simply click the Windows Key & L. If using a virtual machine, press Ctrl, Alt & Insert, then click on "Lock this computer."

Be aware of others around you when looking at confidential information.

DO NOT install unapproved files or software on your computer.



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- 1. The Help desk calls explaining a problem with your account. The person on the phone asks for your password. It's okay to give it to them.
- True
- False



- 2. When you need to leave the general area of your computer for only a few minutes, it's okay to leave it unlocked as long as no taxpayer information is displayed and your desktop screen is showing on your monitor.
- True
- False



- 3. I logged into my NY.GOV account for work and a pop-up appeared asking if I want the system to remember my password. It is OK for me to click "Yes."
- True
- False

You have completed this Knowledge Check page

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Department of Taxation and Finance

The New York State Information Security Breach and Notification Act requires New York State entities to contact affected persons, without unreasonable delay, after any breach of security, unauthorized access or unauthorized release of computerized private data.

Additionally, the Department has enhanced its reporting requirements to also include hard-copy confidential documents.



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All Department employees are to report any work-related incident that they believe constitutes an information security breach or unauthorized disclosure of confidential tax information or private information.

Private information is information that uniquely identifies an individual such as a person's name along with a Social Security Number or driver's license ID or financial information that would permit access to an individual's financial account.

### Definition:

Information Security Breach: An incident in which sensitive, protected or confidential information has potentially been viewed, stolen or used (intentionally or unintentionally) by an individual unauthorized to do so.

### Definition:



Inadvertent Unauthorized Disclosure: Unintentionally making confidential information known, in any manner, to an individual (including yourself) or entity who is not authorized to obtain, view or use the information.

#### Definition:

Unauthorized Disclosure: Knowingly making confidential information known, in any manner, to an individual (including yourself) or entity who is not authorized to obtain, view or use the information.

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Examples of an Unauthorized Disclosure would include:



#### **Inadvertent Unauthorized Disclosure**

Some examples are:

- Mail or faxes sent to the wrong party.
- A briefcase containing taxpayer information was left unsupervised and its location cannot be determined.
- Documents containing Federal Tax Information (FTI) cannot be located.

#### **Unauthorized Disclosure**

Some examples are:

- An employee accesses his daughter's tax return and shares it with her.
- An employee shares with friends the tolerance amounts that Audit has established for issuing bills.

All of the above would be considered an Information Security Breach.

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#### Reporting Requirements

#### ITS staff and ITS contractors:

- Immediately report any suspected inappropriate activity, unauthorized access, unauthorized disclosure, or any other suspected breaches to your appropriate manager and the Information Security Officer (ISO)/designated security representative.
- Follow the reporting procedures found on the NYS ITS EISO incident link http://its.ny.gov/incident-reporting

#### Everyone else:

To report an unintentional information security breach, immediately contact the DTF Information Security Office

To report any inappropriate activity (such as unauthorized access or disclosure), immediately contact the DTF Office of Internal Affairs (518) 451-1566.

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Properly Dispose of Confidential Information:

You must shred confidential paper documents using a Department approved shredder, or you may place them in a locked confidential destruction bin where available. Do **NOT** place any papers containing confidential information in the trash, recycling (3R's) baskets or in open gondolas.

You must properly dispose of all electronic portable media, such as diskettes, CDs, DVDs, flash drives, computer tapes, optical disks, hard drives, removable drives of any kind, or any other USB connected storage media that contains confidential information.

\*Please refer to the <u>Disposal of Electronic Media</u>

<u>Policies and Procedures</u> to view the policies and procedures for the secure handling and disposal of confidential information.

\*Please direct any questions on electronic media disposal to OSB at tax.sm.OSB.Support.Services.







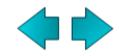
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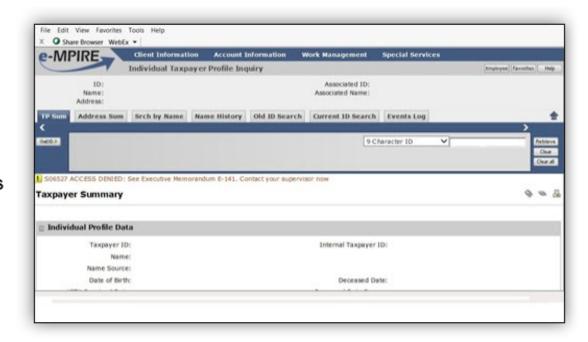
# "Access Denied" Error Message

The Department prevents persons with access to e-MPIRE from accessing certain records which are flagged as being associated with the user and therefore are inaccessible. There are a variety of reasons for an account to be flagged, for example, a spouse listed on a primary return for the employee who now files returns independently.

When an employee goes to e-MPIRE and enters information to look at one of these accounts, they will receive a message that looks like this.

This message may also be generated from work that is randomly pushed to an employee through automated workflow processes. If you receive this message you must immediately notify your supervisor to document the reason you were attempting to access that account.





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### Internal Revenue Service

Internal Revenue Service (IRS) Information:

Internal Revenue Code Sections 6103(d), 7213 (a)(2), 7213A and 7431:

- Allow disclosure of federal tax information to state tax agencies for tax administration.
- Impose penalties and civil damages for unauthorized inspection and disclosure.

Confidential information received from the IRS is referred to as Federal Tax Information (FTI). All FTI received from the IRS is subject to federal requirements and cannot be redisclosed, even with other agencies, without prior written permission from the IRS.

### Some examples of FTI are:



- Federal returns received from the IRS
- Print screens of FTI on e-MPIRE
- Information written down from viewed FTI
- Federal transcripts from Transcript Delivery System (TDS)

#### Definition:

Federal Tax Information (FTI): FTI is any return or return information (paper, CDs, electronic files, etc.) received from the IRS or secondary source, such as SSA, Federal Office of Child Support Enforcement or Bureau of Fiscal Service. FTI information includes any information created by the recipient that is derived from return or return information. For example, an updated address based on information obtained from the IRS is considered to be FTI.

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### Internal Revenue Service

(IRS) Information, continued...

The IRS requires that FTI be tracked from the time it is received to the time it is destroyed.

- Whenever employees are away from their desks, all FTI must be secured. An example of a secured location is a locked filing cabinet or locked desk drawer.
- Federal tax information sent to another location must be double-sealed (one envelope inside another envelope).

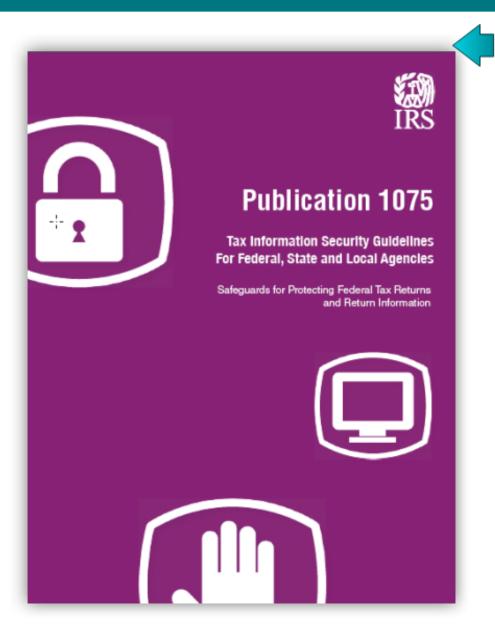
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### Internal Revenue Service

### FTI Logs:

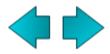
IRS requires that a tracking system is established to identify and track the location of electronic and non-electronic FTI where it is used from the time it is received to the date it is disposed of.

For examples of suggested tracking elements, see <u>IRS Publication 1075</u>: Section 3.2, pages 13 & 14.



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## IRS information, continued...



#### Important Reminder:

When IRS information is commingled with DTF files, either paper or electronic, the entire file is considered to be FTI and must be labeled and safeguarded in accordance with IRS requirements. The Inspection or Disclosure Limitation Labels used to identify all FTI are available from the Disclosure Unit located in Bldg. 8, Room 700.

#### Inspection or Disclosure Limitations

Unauthorized inspection or disclosure, printing, or publishing of any Federal return or return information, or any information therefrom, may be punishable by fine or imprisonment and in the case of Federal officers or employees, dismissal from office or employment. See section 7213 and 7213A of the Internal Revenue Code and 18 U.S.C. section 1905. In addition, code section 7431 provides for civil damages for unauthorized inspection or disclosure of such information. Tapes should be degaussed after they have served their purpose, disposed of in accordance with Publication 1075 disposition guidelines or returned to the IRS.

Department of the Treasury Notice 129A (Rev.12-97)
Internal Revenue Service Cat No. 45547W

<u>Definition:</u> Commingling: When Department information is combined with federal tax information, either paper or electronic, it is considered to be commingled and is to be treated as FTI.

Federal tax return and/or return information received directly from a taxpayer or third party is **NOT** considered FTI.

Electronic files must use a naming convention that clearly identifies the file as containing FTI for example: FED.filename or FTI.filename.

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# Social Security

# Social Security Administration (SSA) Information:

DTF receives SSA data which is considered confidential federal information. The Death Match File is one of the files DTF receives from SSA.

Penalty provisions under U.S. Department of Commerce, National Technical Information Services (NTIS) Section 203 of the Bipartisan Budget Act of 2013, 15 CFR 1110.200 imposes a penalty of \$1,000 for each of the below infractions:

- Unauthorized disclosure of the Death Match File Information.
- Use of any deceased individual's Death Match File information for any purpose other than a legitimate fraud prevention interest or a legitimate business pursuant to a law, governmental rule, regulation or fiduciary duty.





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### **Important Information:**

You should be aware of several laws and legislative acts that address penalties if improper disclosure of confidential information occurs:

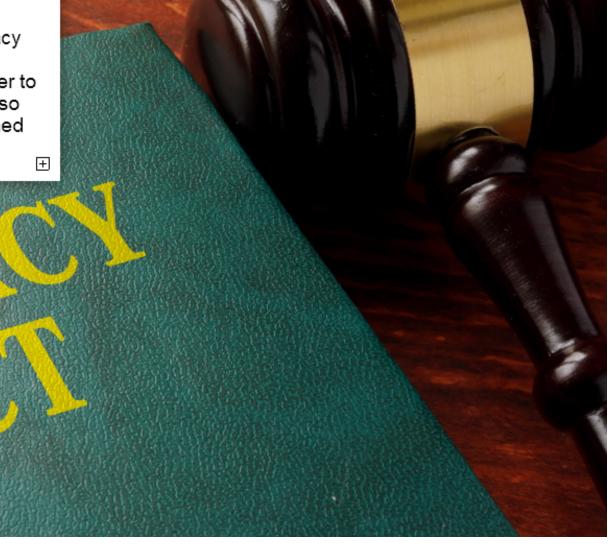
- Privacy Act of 1974
- New York State Tax Law
- New York State Penal Law
- Internal Revenue Code

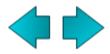
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### Privacy Act of 1974, 5 U.S.C. 552a:

Under Section 5 U.S.C 552a(i)(1) of the Privacy Act of 1974, it is unlawful for you to willfully disclose confidential information in any manner to any person not entitled to receive it. In doing so you would be guilty of a misdemeanor and fined up to \$5,000.





#### New York State Penalties:

Under New York State Tax Law Section 1825, it is a crime for you to make an unauthorized disclosure of confidential New York State Tax information.

New York State Penal Law Section 156 imposes additional charges for unauthorized access, computer trespass or computer tampering, which can be misdemeanors or felonies.

### Punitive Actions For Violating NYS Tax Law:

- Possible dismissal from employment.
- Possible criminal prosecution.
- A fine up to \$10,000, up to one year in jail, or both.
- Possible prohibition from holding state service for five years.

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#### **Federal Penalties:**

Under Section 7213 of the Internal Revenue Code, it is a felony to make an unauthorized disclosure of federal tax information.

#### Penalties Include:

- A fine up to \$5,000, up to 5 years in prison, or both.
- Cost of prosecution.
- Possible disciplinary action.



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Federal Penalties, continued...

Under Section 7213A of the Internal Revenue Code, it is a crime to browse federal tax data without a business need.

#### Penalties Include:

- A fine not exceeding \$1,000, imprisonment of not more than one year, or both.
- Cost of prosecution.



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Federal Penalties, continued...

Federal Law, Section 7431, allows an affected taxpayer the right to file a civil lawsuit against you for browsing or for unauthorized disclosure (UNAX).

#### **Definition:**

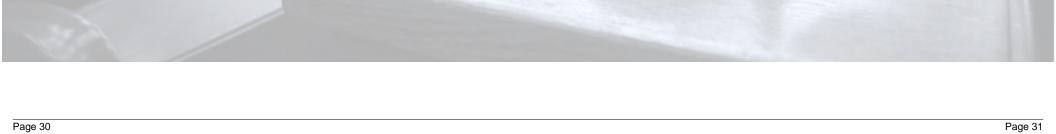
UNAX: Willful, unauthorized inspection, access or browsing of federal tax information.



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Between 2014 and 2016, the Office of Internal Affairs investigated 20 individuals who were criminally prosecuted for unlawful accessing, computer trespassing and tax secrecy violations. To date 18 have pled guilty, including six who pled to the violation banning them from state service for five years. These cases generally involved employees or contractors looking up family members, friends, business associates and others' confidential tax information without a legitimate business reason to do so.



### Law Enforcement Officers

When interacting with law enforcement officers regarding taxpayer threats of assault or suicide, you must remain aware of possible disclosure concerns.

**DO NOT** disclose or allow access to any tax returns or return information.

If law enforcement officers ever request sensitive or confidential information – such as returns or return information:

#### DO:

- Immediately notify your supervisor(s)
- Contact the Department's Office of Counsel for guidance regarding the tax secrecy constraints on our ability to comply with such requests.

When law enforcement officers are near tax information:





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- 1. I received a call from a taxpayer who threatened to commit suicide. When the police come to question me it is okay for me to:
- Let the police officer take a picture of my eMPIRE screen with the taxpayer's address.
- Give the police officer a copy of the taxpayer's most recently filed tax return.
- Give the officer the taxpayer's phone number provided during the call and explain the taxpayer's suicide threat.
- None of the above.



- 2. As I am packing up to leave for the day, I notice a folder containing Federal and Tax Information (FTI) is on my desk. Before leaving, I am required to:
- Leave the folder in my unlocked desk drawer
- Leave the folder in my locked desk drawer or in a locked filing cabinet
- Throw the folder in the garbage since it is no longer needed
- Leave the folder on my desk so it is easily accessible the next day

You have completed this Knowledge Check page

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Knowledge Check 5 ADDED Q Page 33





Under federal law, if you are fined or imprisoned for browsing or for the una of IRS information, no civil lawsuit can be brought against you.

You have completed this Knowledge Check page

True

False

Previous | Next



4. UNAX refers to the unauthorized browsing or accessing of confidential federar tax information and it is a crime.

True

False



5. My co-worker and I continued a conversation about a confidential matter after leaving the conference room. This is okay because we are in a secure building.

True

False



6. I am currently auditing a high-profile taxpayer and have access to their tax information. The woman sitting next to me has no business need to know this information. It is ok to for me to show her this tax information since we are both New York State employees.

True

False

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7. I receive a call from another agency saying their system is down and they n information immediately. They want me to provide them with taxpayer informati exactly sure who the person is but I am always happy to help out another agen provide them with the information they are looking for.

You have completed this Knowledge Check page

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8. It's okay to blog, tweet or Facebook about different taxpayers I have had to deal with during my workday.



False



9. I need to send paper Federal Tax Information (FTI) to the Tax Department's Buffalo District Office from Albany. I can use a single, standard envelope to mail the FTI.

True

False

Knowledge Check 7 Page 35

# **Frequently Asked Questions**

#### Federal Tax Information Part 1:

**Question:** FTI obtained from e-MPIRE is written down on a separate piece of paper. Do I need to log this somewhere?

Answer: The information should be clearly labeled as Federal Tax Information and you need to keep a log of this information just like you would if you printed FTI.

#### Inadvertent Unauthorized Disclosure Part 1:

Question: What happens if, when accessing DTF computerized files, I make a typing error and end up pulling up a non-assigned case. Will I be accused of a UNAX violation?

Answer: No, accesses resulting from a typing error are NOT UNAX violations. A UNAX violation requires willful unauthorized access. Inadvertent or mistaken accesses are NOT violations of the law. This access should be noted in your access log with a note stating the circumstances.



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# **Comments and Suggestions**



This training will be updated each year. If you would like a topic or have a question you would like addressed, please e-mail your comments or suggestions to the IRS Compliance Mailbox:

Tax.sm.orm.access.requests

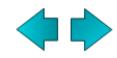


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### **DTF-202**

- DTF-202: Agreement to Adhere to the Secrecy Provisions of the Tax Law and the Internal Revenue Code
- **Important:**

Non- DTF Employees are required to read and agree to the secrecy provisions that are contained in the DTF-202.

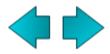


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all officers, employees, and agents of the any person or entity engaged or retained to any depository, its officers and employees any person who is permitted to inspect any	by the department on an independent contract basis, to which a return may be delivered; y report or return; see of a contractor or subcontractor hired by the de-	
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State Penal Law §§ 156.05 and 156.10, relate information from a computer system without a of the department as well as employees of co-	roweing or accessing of taxpayer information by a p of to unauthorized access and computer trespass, is legitimate business need, punishable by up to tou infraction, agents, and subcontraction; this includes as information. Unlawful access, viewing and/or dis- telle.	make it unlawful to access or view tasps; r years imprisonment. As to employees, it access by an employee who is not requi
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# Acknowledgement



By completing this training, I acknowledge that:

Please place a check mark in each of the boxes below by clicking each box to accept the corresponding statement.

- I understand the concepts provided within the training.
- I understand that the unauthorized access, disclosure and/or acquisition of confidential information is a crime.
- I agree never to view any confidential information that is not part of my regular job responsibilities.
- I have read the provisions in the Public Officers Law (Section 73 and Section 74 provisions for all state officers, employees and party officers).
- I have read the <u>DTF-202</u>, <u>Agreement to adhere to the Secrecy Provisions of Tax Law and the Internal</u> Revenue Code (For Contractors and other Non-DTF employees).

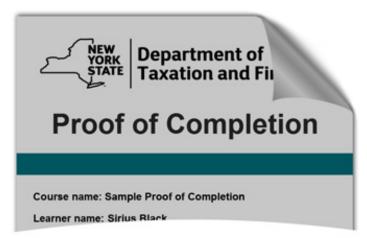
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You have completed the training. Click on the image to the right to view and save your *Proof of Completion*, which you will need if anything goes wrong saving this session.

Use the exit button when you are done so that your progress is saved.



# Click here to print before you exit

If the class still shows "In-Progress," please notify the Training Resources Bureau by e-mail:

- To: tax.sm.Training.Resources <Training.Resources@tax.ny.gov>
- Subject: Proof of Completion
- Attached: proofdocument.xps

The End Page 40

Proof of Completion Page 41





# HELP

In order to complete this online learning, you must read the content on each page until you have advanced to the end.

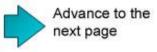
The next button is programmed with a small delay, but will become active automatically.

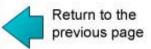
On some pages; including **Knowledge Check** pages, **video** pages, and others; you will need to answer questions or complete certain tasks before you may advance to the next page. If the next button is not active, make sure you have completed the page.

The training will time out if you leave the window open and unused. Close the window using the exit button when not in use.

You must use the exit button to ensure your progress is saved.





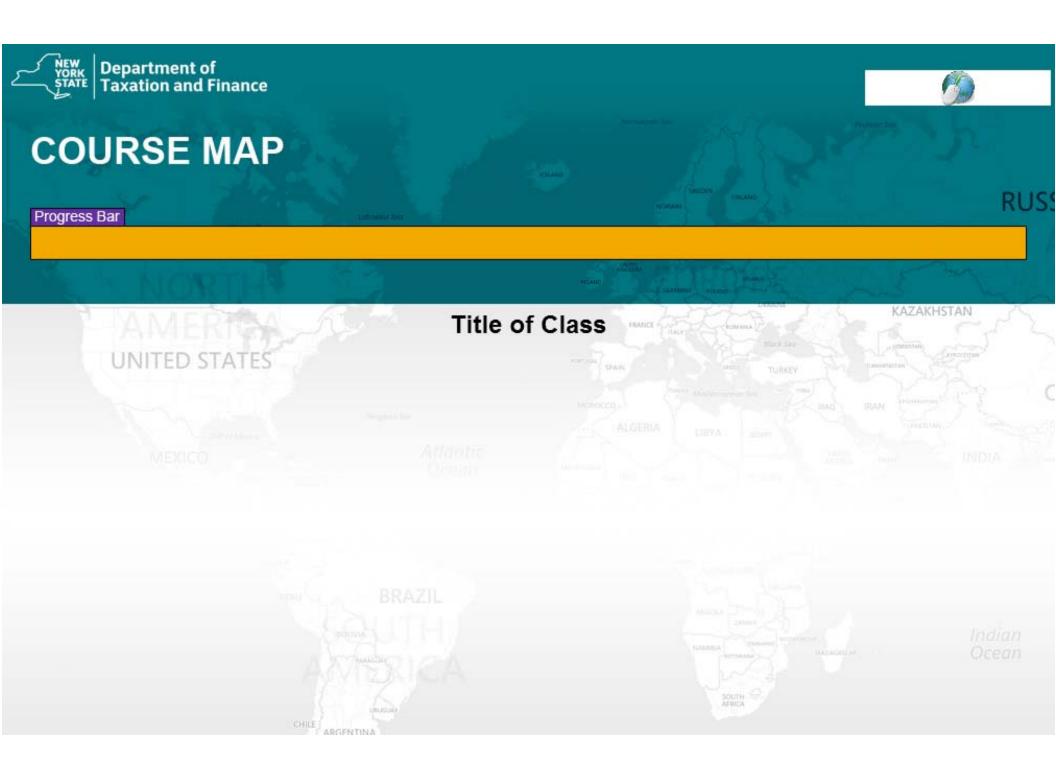


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