



STATE OF MISSISSIPPI
HALEY BARBOUR, GOVERNOR

DEPARTMENT OF FINANCE AND ADMINISTRATION

KEVIN J. UPCHURCH
EXECUTIVE DIRECTOR

To: State Agency Executive Directors
MMRS Application and Security Contacts

From: Kevin J. Upchurch, Executive Director *KJU*

Date: October 20, 2011

Re: Transparency Mississippi Website and Confidential Information

The Department of Finance and Administration (DFA), subject to the Mississippi Accountability and Transparency Act (MATA) (§27-104-151 through §27-104-159 of the Mississippi Code of 1972, as amended), deployed and maintains the framework for posting grant and contract data for www.Mississippi.Transparency.gov. DFA determined through recent spot audits that some agencies are not appropriately redacting personal information in accordance with state and federal laws from grant and contract documents prior to posting them on the website.

Mississippi Code Section §27-104-155 (1) (c) specifically states: "Nothing in Sections 27-104-151 through 27-104-159 shall permit or require the disclosure of trade secrets or other proprietary information, including confidential vendor information, or any other information that is required to be confidential by state or federal law." State agencies are responsible for ensuring that information protected under the law is not disclosed as it is the agencies' responsibility to post data to the site.

State of Mississippi agencies are reminded to not enter social security numbers or other protected information into any field on any transaction, report, or document including the line description and document identifier fields on SAAS transactions and the account number, reference number and group number fields in SPAHRS. Additionally, this information should not be used on any documents or reports that are transmitted in any form, including paper, in an unsecured manner. Failure to protect social security numbers is in direct violation of §25-1-111. Additional requirements regarding breach of security are also codified in §75-24-29.

MATA, www.Transparency.Mississippi.gov, is a public website. While DFA can maintain data securely, the Mississippi Transparency website cannot be password protected or encrypted and still meet the definition of a public site. Thus, it is the responsibility of the agencies that are required to post information to the website to ensure that the information posted is in compliance with state and federal law. Also, agencies should recognize that failure to comply with these statutes may expose the State, agency and individual employee to liability arising from the release of personal or other protected information.

I urge you to immediately audit your agency's information posted to the transparency website and correctly redact any documents that may be out of compliance. Also, please immediately take steps to inform the individuals responsible for posting information to the transparency website of all of the statutes listed above. These statutes may serve as guidance for what information must be protected, as well as, instruct them on the handling of court protected information such as contractual protective orders.

Questions concerning this matter should be directed to Cille Litchfield, DFA-Deputy Executive Director at 601-359-1433 or litchc@dfa.state.ms.us.

