



Personnel Risk Assessment Review Process Contractors – CIP, FACTA & HIPAA

ORIGINATION DATE:
November 25, 2015

REVISION DATE: February 23, 2017

Purpose:

The purpose of this document is to detail the process used to ensure Contract personnel who require access to information and resources covered by NERC CIP (CIP-004 R3), FACTA (Fair and Accurate Credit Transactions Act), and HIPAA (Health Insurance Portability and Accountability Act) regulations meet JEA and regulatory standards.

Review Process:

The Review Process applies to Contractors who require access to information or resources covered by NERC CIP, FACTA, or HIPAA. These individuals can be categorized as:

- New Contract personnel being placed in impacted positions,
- Contract personnel transferring to impacted positions,
- Contract personnel requesting new access, and
- Contract personnel with NERC CIP access (NERC CIP requires these positions to have a background check every 7 years (CIP 004 R3)).

The Evaluation Criteria detailed in the chart below is used to evaluate each individual. It was established to set guidelines to evaluate Personnel Risk Assessments (PRA) (aka background checks), ensures the minimum criteria for access is met, and is required by CIP 004 R3.3. The evaluation is split into three sections:

1. Section A – Identity Verification (CIP 004 R3.1)
2. Section B – Criminal History Records Check (CIP 004 R3.2)
3. Section C – Criminal Flags

The PRA Contractor Evaluation Form is provided to the Contractor by the Hiring Manager for completion. The Contractor provides the following to Talent Acquisition Services:

- Completed PRA Contractor Evaluation Form
- Substantive Evidence (i.e. Redacted PRA or PRA Receipt)¹

¹ Proper methods of data redaction ensure the redacted data and/or metadata and elements are removed and non-recoverable. Information remaining on background check and background check receipt must be sufficient enough that the background check can be verified belonging to the individual



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- If criminal flags are identified a redacted PRA must be provided.

In cases where the contractor is unable to process a background check, Talent Acquisition Services provides a third party contact who can process the check for them or sends a link to the Contractor in order to process the background check directly. Once the information is received the PRA Contractor Evaluation Form is completed.

The PRA Contractor Evaluation Form is used to document the results of the review. If criminal flags are discovered or a full 7 year background check cannot be performed, a determination will be made by Talent Acquisition Services or the Chief of the hiring department which action should be taken. All issues and decisions should be documented on the PRA Contractor Evaluation Form in order to clearly record the results and decisions made.

- The Evaluation Form will be signed by all reviewers, which may include the Final Reviewer, and Chief of the hiring department.
- A Chief's signature is required if a criminal flag was noted and it is determine the contractor will still be engaged.

The PRA and forms will be stored and destroyed securely, in accordance with JEA's Document Retention Schedule and applicable laws.

Adverse Action

In order to comply with the Fair Credit Reporting Act (FCRA), prior to an adverse action being taken by JEA a notice will be provided to the Contractor. For Contract personnel the contractor is responsible for the adverse action requirements.

Review Criteria:

SECTION	POSITON REQUIRING	CRITERIA
A – Identity Verification	C-Critical Infrastructure Protection (CIP) OR F-Fair and Accurate Credit Transaction Act (FACTA)	The identity of the individual will be verified using available means, which may include USCIS I-9 List of Acceptable Documents (one selection from List A, or a combination of one selection from List B and one selection from List C). (CIP 004 R3.1)

and the date the background check was conducted. If any criminal flags are identified a redacted background check must be provided.



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	<p>OR H-Health Insurance Portability and Accountability Act (HIPAA)</p>	
<p>B – Criminal History Records Check</p>	<p>C-Critical Infrastructure Protection (CIP)</p>	<p>Check must include a Federal, State, and County criminal records search for a minimum of 7 years. If it is not possible to perform a full seven year criminal history records check, conduct as much of the 7 year criminal records check as possible and document the reason the full seven year criminal history records check could not be performed in the notes section of the PRA Evaluation Form (CIP 004 R3.2). The Check must include:</p> <ul style="list-style-type: none"> • Current Residence, regardless of duration. (CIP 004 R3.2.1) • Other locations where, during the seven years immediately prior to the date of the criminal history records check, the subject has resided for six consecutive months or more. (CIP 004 R3.2.2)
<p>C – Criminal Flags for CIP or FACTA Access</p>	<p>C-Critical Infrastructure Protection (CIP) OR F-Fair and Accurate Credit Transaction Act (FACTA) OR H-Health Insurance Portability and Accountability Act (HIPAA)</p>	<ul style="list-style-type: none"> • Arson and Criminal Mischief ≥ \$1000 (C, F & H) • Blackmail (C, F & H) • Bribery (C, F & H) • Criminal Impersonation (C, F & H) • Cyber Crimes (FL Statue 815) (C, F & H) • Data Fraud (C, F & H) • Extortion (C, F & H) • Florida Communications Fraud Act (FL Statute 817.034) (C, F & H) • Forgery (C, F & H) • Sabotage (C, F & H) • US Watch List (FBI TSC List, OFAC, etc.) (C, F & H) <ul style="list-style-type: none"> • Bad Checks (F & H) • Counterfeiting (F & H) • Credit Card Fraud (F & H) • Criminal Use of Personal Identifying Information (FL Statute 817.568) (F & H) • Embezzlement (F & H)



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		<ul style="list-style-type: none"> • Fraud (FL Statute 817) (F & H) • Identity Theft (F & H) • Wire Fraud (F & H)
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Retention

Contractors must retain evidence demonstrating the completion of the background check for a period of 10 years from the date of completion. JEA must follow Florida record retention requirements refer to Section 7.4 of Screening Personnel Risk Assessments procedure.

Revision #	Date	Description	Revised By	Approval
0	11/25/2015	New version creation for compliance with CIP V5 and other regulatory requirements.	KLE	PM
1	9/22/2016	Revision, minor corrections, emails, title.	KMD	DM
2	10/20/2016	Annual Review	KLE	DM
3	2/23/2017	Minor updates	KLE	SL