



# TENNCARE POLICY MANUAL

<b>Policy No: ORG 09-003</b>	
<b>Subject: Investigative Monitoring &amp; Examination of TennCare Employees' Computer, Email, and Internet Usage</b>	
<b>Approved by:</b> <i>Darin J. Guder</i> b100	<b>Date:</b> 12/11/2009

## PURPOSE:

To establish a comprehensive policy for the Bureau of TennCare regarding the investigative monitoring and examination of an employee's computer, email, and internet usage that is uniformly applied to all employees on a consistent basis.

## BACKGROUND:

The Bureau of TennCare's Acceptable Use Policy signed by each employee states, "The State of Tennessee actively monitors network services and resources, including, but not limited to, real time monitoring. Users should have no expectation of privacy. These communications are considered to be State property and may be examined by management for any reason including, but not limited to, security and/or employee conduct."

## POLICY:

All TennCare investigations that include internal monitoring and examination of an employee's computer, email, and internet usage will be performed and/or coordinated through the Bureau of TennCare's Internal Audit Division (IA) and require the concurrence of the Chief Audit Executive, the General Counsel, and the Director of Administrative Services, hereafter referred to as the Audit Investigation Committee.

## **PROCEDURES:**

**Initiating an Investigation:** Investigations will only be initiated and performed after evaluation by the Audit Investigation Committee. Investigations may originate from such sources as, but not limited to, the following:

- In response to the Tennessee Comptroller of the Treasury's Fraud, Waste and Abuse Hotline;
- In response to the Office of Inspector General's TennCare Fraud Hotline;
- As a result of a request from an outside authority or agency;
- As a result of observations, inquiries, or other audit procedures performed by IA;
- In response to a request or "tip" received by IA from an individual who IA deems to be independent and objective;
- In response to a request from the Bureau of TennCare's Director or a member of the executive staff;
- At the request of the Director of Administrative Services when deemed necessary and appropriate in order to provide information relevant to a TennCare employee's disciplinary matter<sup>1</sup>; and
- Other sources as appropriate.

**Scope, Timing, and Duration of the Investigation:** The scope, timing, and duration of the investigation will be consistent with the nature and primary purpose of the examination. The specific procedures to be performed will include the utilization of appropriate audit procedures, tools, and resources which may include one or more of the following:

- Obtaining and reviewing, in any combination, the employee's hard drive, IP Log files, and/or email.
- The capture of selected activity at the work station, network, or internet level.
- The performance and utilization of other auditing tools and techniques deemed necessary.

In all cases the scope, timing, examination tools and techniques, duration of the investigation as well as the resultant reporting will be determined by the Chief Audit Executive in consultation with the Audit Investigation Committee.

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<sup>1</sup> This policy recognizes that the Bureau of TennCare presently has a number of formal policies and administrative processes in place that address such matters as proper workplace behavior, a prescribed channel for reporting violations and the resultant disciplinary actions if any. This policy's intent is not to be used as a substitute for those processes but rather a supplemental tool for such matters.

**Notification:** The Chief Audit Executive will notify the following individuals of the commencement of an investigation (unless warranted otherwise)<sup>2</sup>: The Bureau of TennCare’s Director, Chief Information Officer, TennCare Security Officer, Director of Operations, and the Executive Staff member to whom the person being investigated reports. The Commissioner of Finance and Administration and/or the Tennessee Comptroller of the Treasury may also be notified if deemed necessary.

**Confidentiality of Findings:** All collected data resulting from the investigation will be considered as Internal Audit working papers and are therefore not an open record pursuant to TCA Section 10-7-504 (a) (22). The collected data and reports will be treated as confidential information and retained and secured in accordance with Internal Audit’s policies and procedures for such matters.

Data collected directly or indirectly not pertaining to the scope or purpose of the examination will not be released to any outside party, with the exception of data that appears to indicate illegal activity which will be reported to the appropriate law enforcement authorities.

#### **OFFICES OF PRIMARY RESPONSIBILITY:**

**Internal Audit** – has primary authority and responsibility for all phases of the investigation.

#### **OTHER RESPONSIBLE PARTIES:**

**TennCare Information Systems** – *provides requested support.*

**Office of Information Resources** – *provides access to email and IP log files.*

**Human Resources** – *Monitors the compliance with existing policy and procedures pertaining to any resultant disciplinary actions.*

**Office of General Counsel** – *provides legal guidance.*

#### **RELATED DOCUMENTS:**

Monitoring/Examination Request

#### **REFERENCES:**

TennCare Acceptable Use Policy & Procedures

Tennessee Code Annotated, Section 10-7-504 (a) (22)

Original: December 3, 2009; Vicki Guye

Reviewed/No changes: December 8, 2010; Vicki Guye

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<sup>2</sup> This policy recognizes that the possibility exists that one or more of the named individuals could be the subject of the “investigation” and as such would obviously not be notified.

Reviewed/No changes: December 6, 2011; Vicki Guye