



# COMMONWEALTH of VIRGINIA

## Executive Department

### EXECUTIVE MEMORANDUM 1-21

#### THE OFFICE OF THE STATE INSPECTOR GENERAL'S DEVELOPMENT OF POLICIES AND PROCEDURES TO PROTECT INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE

The Office of the State Inspector General (OSIG) performs an essential role in Virginia government. It investigates allegations of fraud, waste, abuse, or corruption by a state officer or state employee. To accomplish that important mission, the Code of Virginia requires that “[r]ecords that are confidential under federal or state law shall be maintained as confidential by the State Inspector General and shall not be further disclosed, except as required by law.” *See* Va. Code § 2.2-313. Similarly, OSIG’s Code of Ethics requires that its employees “[m]aintain appropriate confidentiality of sensitive information and records obtained by OSIG.” *See* Office of the State Inspector General Policy and Procedure, “Code of Ethics,” ¶ III. State agencies and state employees, however, must have confidence that OSIG employs measures in place to shield sensitive and confidential information from improper disclosure.

Unfortunately, in recent weeks, an important concern has arisen regarding several unauthorized disclosures of confidential information. Sensitive information and information otherwise protected from disclosure by law and made available to OSIG was provided to persons not authorized to receive such information.

To preserve the candor and trust critical to carrying out OSIG’s function, action is necessary to ensure that state agencies and state employees understand what, if any, expectations of privacy and confidentiality apply to information provided to OSIG.

Therefore, I direct the Office of the State Inspector General to take the following actions:

1. Within 10 calendar days of the effective date of this Memorandum, OSIG shall develop and make publicly available on its website OSIG policies and procedures to safeguard all sensitive or confidential information made available to that Office. Such policies and procedures must, at minimum, address (a) the publication, issuance, and handling of reports issued pursuant to § 2.2-313 of the *Code of Virginia*, (b) OSIG employee’s access to state databases and servers containing confidential or sensitive information, and (c) recording of meetings and interviews with state employees (whether conducted pursuant to an administrative or a criminal investigation).

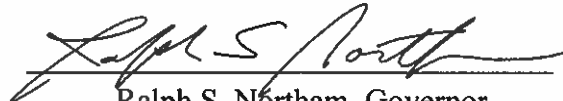
2. Until further notice, at the beginning of any meeting or interview between OSIG and an employee from another Executive Branch agency, each OSIG employee attending such meeting must execute a sworn statement that to his knowledge neither the OSIG employee nor anyone attending the meeting is recording such meeting without the knowledge and consent of every other non-OSIG employee attending the meeting or interview. If, however, every non-OSIG employee attending the meeting or interview consents to the recording, OSIG must document such consent in writing. OSIG shall provide copies of the consent or disclosure forms to all meeting or interview attendees within 24 hours of its conclusion.

The work of the Office of the State Inspector General is imperative to the efficient and effective work of state government. The above measures will help to ensure OSIG's continued ability to do that good work.

**Effective Date**

This Executive Memorandum shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive action.

Given under my hand this 20<sup>th</sup> day of April, 2021.



Ralph S. Northam, Governor