

Resolution No. 2021-08-08

**JOINT
RESOLUTION
OF THE
BOARDS OF DIRECTORS
OF THE
WESTFIELD METROPOLITAN DISTRICT NOS. 1 & 2**

Adopting a Personal Data Privacy Policy

WHEREAS, the Westfield Metropolitan District Nos. 1 & 2 (each a “**District**” and collectively, the “**Districts**”) are quasi-municipal corporations and political subdivisions of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, the Colorado General Assembly adopted House Bill 18-1128 concerning strengthening protections for consumer data privacy (the “**Bill**”) with an effective date of September 1, 2018; and

WHEREAS, the Bill added Article 73 to Title 24, Colorado Revised Statutes known as “Security Breaches and Personal Information” (“**Article 73**”) which requires each Governmental Entity in the state that maintains paper or electronic documents during the course of business that contain Personal Identifying Information to develop a written policy for the destruction or proper disposal of such paper and electronic documents; and

WHEREAS, § 24-73-101(4)(a), C.R.S., defines a “Governmental Entity” as the state and any state agency or institution, including the judicial department, county, city and county, incorporated city or town, school district, special improvement district, authority, and every other kind of district, instrumentality, or political subdivision of the state organized pursuant to law. “Governmental Entity” includes entities governed by home rule charters; and

WHEREAS, each District is a Governmental Entity under Article 73 as it is a political subdivision of the state organized pursuant to law; and

WHEREAS, § 24-73-101(4)(b), C.R.S., defines “Personal Identifying Information” as a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver’s license or identification card number; a government passport number; biometric data, as defined in § 24-73-103(1)(a), C.R.S.; an employer, student, or military identification number; or a financial transaction device, as defined in § 18-5-701(3), C.R.S.; and

WHEREAS, the Districts may maintain paper or electronic documents that contain Personal Identifying Information; and

WHEREAS, the Districts have developed and desire to adopt a written policy for the destruction or proper disposal of paper and electronic documents containing Personal Identifying Information, in conformance with Article 73.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of Personal Data Privacy Policy. The Districts hereby adopt the Personal Data Privacy Policy set forth in **Exhibit A**, attached hereto and incorporated herein.

2. Preambles Incorporated. The preambles to this Resolution are hereby incorporated into this Resolution as if set out fully herein.

3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

4. Effective Date. This Resolution shall become effective as of September 1, 2018, shall be enforced immediately thereafter and shall supersede any previous policy related to disposal of paper and electronic documents containing Personal Identifying Information. This Resolution shall be implemented and administered by the District to conform with all requirements of Article 73, as modified from time to time.

[Signature page follows.]

ADOPTED THIS 26TH DAY OF AUGUST, 2021.

WESTFIELD METROPOLITAN DISTRICT NOS.
1 & 2, quasi-municipal corporations and political
subdivisions of the State of Colorado

Lawrence P. Jacobson

Lawrence P. Jacobson (Aug 28, 2021 11:26 MDT)

Officer of the Districts

ATTEST:

Jeffrey J. Schroeder

Jeffrey J. Schroeder (Sep 14, 2021 09:17 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law

Jeffrey J. Ankele
General Counsel to the Districts

Signature page to Joint Resolution Adopting Personal Data Privacy Policy

EXHIBIT A

Personal Data Privacy Policy

The purpose of this Personal Data Privacy Policy is to comply with § 24-73-101 (1), C.R.S., which requires a Governmental Entity that maintains paper or electronic documents during the course of business that contain Personal Identifying Information to develop a written policy for the destruction or proper disposal of such paper and electronic documents.

Section 1. Definitions

- (1) “District” means the Westfield Metropolitan District Nos. 1 and 2.
- (2) All defined terms in sections 2-5, unless otherwise noted, shall be defined as in § 24-73-101, C.R.S.
- (3) All defined terms in section 6 shall be defined as in § 24-73-103, C.R.S.

Section 2. Protection of Personal Identifying Information

- (1) The District may collect the following Personal Identifying Information over the course of normal business:
 - a. Bank account numbers;
 - b. Credit card numbers;
 - c. Driver’s license or government identification card numbers;
 - d. Employer identification number; and
 - e. Social Security Numbers.

Section 3. Security Procedures and Practices

- (1) The District will store paper documents containing Personal Identifying Information in a locked cabinet or locked office. Only employees who must use Personal Identifying Information to conduct District business will have access to the storage location.
- (2) The District will take appropriate measures to protect Personal Identifying Information stored as digital media. These protections may include firewalls and encryption software. Only those employees who must use the Personal Identifying Information to conduct District business will have access to the electronic storage system(s).

(3) In the event the District discloses Personal Identifying Information to a Third-party Service Provider, as that term is defined in § 24-73-102, C.R.S, the District will require the Third-party Service Provider to verify they have implemented and maintained reasonable security procedures and practices appropriate to the nature of the Personal Identifying Information.

Section 4. Records Management and Destruction

(1) Records maintaining Personal Identifying Information should be retained in accordance with the District's Records Retention Policy. Retention periods vary based on the type of record. All records must be disposed of in a manner that renders the records unreadable or indecipherable through any means.

Section 5. Open Records Disclosure

(1) The District is governed by the Colorado Open Records Act ("CORA"). Any records maintained by the District may be subject to inspection and copying by members of the public, unless an exemption in the law exists. In the event the District must release records containing Personal Identifying Information, sensitive data will be redacted or otherwise removed to protect the privacy of the individual(s).

(2) The District will not otherwise release Personal Identifying Information unless legally required to do so in connection with legal proceedings or law enforcement investigations. The District will not sell Personal Identifying Information to any outside organization.

Section 6. Notification of Security Breach

(1) In the event the District becomes aware that a Security Breach may have occurred, the District will conduct in good faith a prompt investigation to determine the likelihood that Personal Information has been or will be misused. The District will notify the affected Colorado residents in accordance with the notice requirements set forth in § 24-73-103, C.R.S., unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not reasonably likely to occur.