



Protected Personal Identifying Information: An Overview

Presented By:

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Why is this needed?



Protected Personal Identifying Information: An Overview



Local Communication



Protected Personal Identifying Information: An Overview



See Handout

The Long and Winding Road:

A Tale of the PII Court Rules

- MCR 1.109
- MCR 8.119
- AO 1999-4
- AO 2019-4



Protected Personal Identifying Information: An Overview



Effective Date: April 1, 2022

See MCR 1.109 and 8.119 amended on 12/06/21





SCAO Date of Birth Program Details TBD



Protected Personal Identifying Information: An Overview



Personal Identifying
Information (PII)

VS

PROTECTED
Personal Identifying
Information (P-PII)



Protected Personal Identifying Information: An Overview



Personal Identifying Information (PII)

- *No court rule definition.*
- What is personal identifying information?
- NOT necessarily PROTECTED under the court rules.





PROTECTED Personal Identifying Information (P-PII)

Automatically protected by rule – MCR 1.109(D)(9)(a):

- ✓ Date of Birth;
- ✓ Social Security Number (SSN), or National Identifying Number;
- ✓ Driver's License Number, or State ID Card Number;
- ✓ Passport Number
- ✓ Financial Account Numbers





PROTECTED Personal Identifying Information (P-PII)

Automatically protected by rule – MCR 1.109(D)(9)(a):

- Date of Birth;
- Social Security Number (SSN), or National Identifying Number;
- Driver's License Number, or State ID Card Number;
- Passport Number
- Financial Account Numbers

NONPUBLIC





PROTECTED Personal Identifying Information (P-PII)

* OTHER Protected PII – MCR 1.109(D)(10)(c)(ii)

PROCESS

- Ex Parte Motion (w/fee and SCAO form)
- Hearing (discretionary)
- Court Determination (SCAO form)
- If Granted – protect that data in same manner as data under 1.109(D)(9)(a)





PROTECTED Personal Identifying Information (P-PII)

* OTHER Protected PII by Request – MCR 1.109(D)(10)(c)(ii)

- Threshold Issue – is it personal identifying information?
- Standard for Protecting OTHER PII

"Party or person's privacy interest outweighs the public's interest in the information."





PROTECTED Personal Identifying Information (P-PII)

** OTHER Protected PII by Request – MCR 1.109(D)(10)(c)(ii)*



**CAUTION:
Protected Other PII
Inside**

**** Keep OTHER
Protected PII in
mind when
developing case file
management
practices ****





Standards and Form Practice

AO 1999-4 (*Amended*)

“SCAO must establish standards and develop court forms to ensure all protected personal identifying information necessary to a given court case is provided to the court separately from filed documents except as otherwise required by law.”





SCAO Standards for P-PII

See Handout

Michigan Trial Court Records Management Standards

- (2.4) Cannot publically display P-PII;
- (2.4) P-PII cannot be viewable in public case files, regardless of whether paper or electronic;
- (3.2.2.1) Case history can contain P-PII, if applicable;
- (3.3.1.4) Filers must provide P-PII in appropriate SCAO-approved manner or form;
- (3.3.1.4) P-PII form to be filed along with, but not attached.
- (3.3.1.4) P-PII to be redacted from documents not created by the filer (*i.e the attachments filed in support*)

COURTS

FILERS





SCAO Forms for P-PII

MC 97
Forms

Split
Forms

SCAO Forms
w/P-PII
Remaining
(Filer Use)

Court
Generated
Orders and
Docs





SCAO Forms for P-PII -- MC 97 Forms

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY		SUMMONS Criminal		JUDGE DISTRICT CASE NO. CIRCUIT CASE NO.	
ORI MI.		Court address		Court telephone no.	
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ v _____		Defendant's name and address		Victim or complainant	
Codendant(s) (if known)		Date: On or about		Complaining witness	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB Put DOB on Ref. No. row 1 on MC 97
Police agency report no.	Charge	Maximum penalty		Defendant DLN Put DLN on Ref. No. row 3 on MC 97	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper/Chauf. <input type="checkbox"/> CDL	Vehicle Type		
Witnesses					
STATE OF MICHIGAN, COUNTY OF _____.					
The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,					
IN THE NAME OF THE PEOPLE OF <input type="checkbox"/> THE STATE OF MICHIGAN <input type="checkbox"/> _____					
TAKE NOTICE: YOU ARE SUMMONED TO APPEAR for arraignment on _____ Date and time					
at <input type="checkbox"/> the address above <input type="checkbox"/> Location _____, Michigan, before the					
presiding judge. If you fail to appear, a warrant may be issued for your arrest. This summons expires on the date of hearing. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.					
_____ Judge/Magistrate signature and date					

JIS Code: PPI

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		PROTECTED PERSONAL IDENTIFYING INFORMATION		CASE NO. and JUDGE	
Court address				Court telephone no.	
Plaintiff's/Petitioner's name		v		Defendant's/Respondent's name	
In the matter of _____					
<p>If this form is filed on or after January 1, 2022, it will be maintained as a nonpublic document because the form contains personal identifying information (PII) that will be protected when amendments to MCR 1.109 become effective on January 1, 2022. Use this form to provide PII only for a person who is a defendant, respondent, or decedent. If the person is a plaintiff, petitioner, or other individual, use form MC 97a.</p> <p>Instructions:</p> <ul style="list-style-type: none"> Use this form when an SCAO-approved form instructs you to use it to provide PII. Provide only the PII required for your particular case. For example, if you are filing a document that requires you to provide a date of birth to the court, complete only that field on this form. 					
Name of form/document that this MC 97 is being filed with: _____					
Printed name of individual completing form and date					
<p>Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required to be provided. For Other, specify the type of PII in addition to the PII itself. Use the below reference number (Ref. No.) in the document being filed in place of the PII. For example, insert "Ref. No. 1" in place of the DOB in the document.</p>					
Ref. No.	Name (required)				
1	Date of birth				
2	National ID no. / Last 4 digits of SSN XXX-XX-_____				
3	Driver's License / State-issued ID no.				
4	Passport no.				
5	Other				
Ref. No.	Instructions: List the name of the financial institution and the account number. List the paragraph that references the account, if needed for clarity. Use reference number (Ref. No.) when necessary to refer to account in documents being filed.				
6	Financial institution	Account no.	Paragraph no.		
7	Financial institution	Account no.	Paragraph no.		
8	Financial institution	Account no.	Paragraph no.		
9	Financial institution	Account no.	Paragraph no.		

Approved, SCAO
Form MC 97, Rev. 7/21
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Protected Personal Identifying Information: An Overview



SCAO Forms for P-PII -- MC 97a Form

JIS Code: IPA

STATE OF MICHIGAN PROBATE COURT COUNTY	APPLICATION FOR INFORMAL PROBATE AND/OR APPOINTMENT OF PERSONAL REPRESENTATIVE (TESTATE/INTESTATE)	CASE NO. and JUDGE
Court address		Court telephone no.
In the matter of _____ <small>First, middle, and last name</small>		
Petitioner's name, address and telephone no.		Petitioner's attorney, bar no., address, and telephone no.

1. I, _____, am interested in the estate and make this application as
Name of applicant
- Relationship to decedent, i.e., heir, devisee, child, spouse, creditor, beneficiary, etc. _____
2. Decedent information: _____
Date of death Time (if known) Date of birth Put last 4 digits of SSN in row 1 on MC 97 XXX-XX- Put last 4 digits of SSN in Ref. No. row 2 on MC 97 Last four digits of SSN
- Domicile (at date of death): _____
City/Township/Village County State
3. A death certificate has been issued, and a copy accompanies this application as a separate document.
 No death certificate is available. Attached is alternative documentation of the decedent's death.
4. As far as I know or could ascertain with reasonable diligence, the names and addresses of the spouse, children, devisees, and heirs of the decedent, and other interested persons, the relationship to the decedent, and the ages of any who are minors are:

(Required testimony forms are attached.)

NAME	ADDRESS	RELATIONSHIP*	AGE (if minor)**
	Street address		
	City State Zip		
	Street address		
	City State Zip		
	Street address		
	City State Zip		
	Street address		
	City State Zip		

*Specify spouse, child, devisee, or heir.
**If person is a minor, provide the date of birth on form MC 97a and put the Ref. No. from that form in the box above with the age.

JIS Code: API

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	ADDENDUM TO PROTECTED PERSONAL IDENTIFYING INFORMATION	CASE NO. and JUDGE
Court address		Court telephone no.
Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
In the matter of _____		

If this form is filed on or after April 1, 2022, it will be maintained as a nonpublic document because the form contains personal identifying information (PII) that will be protected when amendments to MCR 1.109 become effective on April 1, 2022. Use this form to provide PII only for a person who is a NOT a defendant, respondent, or decedent. If the person is a defendant, respondent, or decedent use form MC 97.

Instructions:

- Use this form when an SCAO-approved form instructs you to use it to provide PII.
- **Provide only** the PII required for your particular case. For example, if you are filing a document that requires you to provide a date of birth to the court, complete only that field on this form.

Name of form/document that this MC 97a is being filed with: _____

Printed name of individual completing form and date _____

Ref. No.	Name	DOB	Other
10	Name	DOB	Other
11	Name	DOB	Other
12	Name	DOB	Other
13	Name	DOB	Other
14	Name	DOB	Other
15	Name	DOB	Other
16	Name	DOB	Other
17	Name	DOB	Other
18	Name	DOB	Other



Protected Personal Identifying Information: An Overview



SCAO Forms for P-PII – Split Forms

Original - Garnishee (Part 1)
1st copy - Court (Part 2)
2nd copy - Defendant (Part 2)

3rd copy - Return (proof of service) (Part 2)
4th copy - Plaintiff/Attorney (proof) (Part 2)

Approved, SCAO

STATE OF MICHIGAN
 JUDICIAL DISTRICT
 JUDICIAL CIRCUIT

REQUEST AND WRIT FOR GARNISHMENT
(NONPERIODIC)

CASE NO.

Court address Zip Code Court telephone no.

Plaintiff's name and address (judgment creditor)

Plaintiff's attorney, bar no., and address

Telephone no.

v

Defendant's name and address (judgment debtor)

Social security no. Account no.

Garnishee name and address

REQUEST See instructions for item 2 on other side.

1. Plaintiff received judgment against defendant for \$ _____ on _____.

2. The total amount of judgment interest accrued to date is \$ _____. The total amount of postjudgment costs accrued to date is \$ _____. The total amount of postjudgment payments made and credits to date is \$ _____.

The amount of the unsatisfied judgment now due (including interest and costs) is \$ _____.

3. Plaintiff knows or with good reason believes the garnishee is indebted to or possesses or controls property belonging to defendant.

4. Plaintiff requests a writ of nonperiodic garnishment be paid to plaintiff, plaintiff's attorney, the court, and mailed to plaintiff, plaintiff's attorney, the court.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), two copies of this writ for serving on the garnishee, and a \$1.00 disclosure fee for serving on the garnishee. You are responsible for having these documents served on the garnishee within 182 days. If the disclosure states that the garnishee holds property **other than money** belonging to the defendant, you must motion the court within 56 days after the disclosure is filed for an order to apply the property toward the judgment. **NOTE:** The social security number field is blacked out for security reasons on all parts except the garnishee copy.

TO THE DEFENDANT: See separate instructions.

- Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
- You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

- Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last-known address by first-class mail.
- Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
- Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
- If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.
- Make all payments withheld under this writ payable and mailed as specified in the request.
- If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

Date of issue Expiration date for service Deputy court clerk

MC 13 (7/20) REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC) (Part 1) MCL 600.4011 et seq., MCR 3.101



Original - Garnishee (Part 1)
1st copy - Court (Part 2)
2nd copy - Defendant (Part 2)

3rd copy - Return (proof of service) (Part 2)
4th copy - Plaintiff/Attorney (proof) (Part 2)

Approved, SCAO

STATE OF MICHIGAN
 JUDICIAL DISTRICT
 JUDICIAL CIRCUIT

REQUEST AND WRIT FOR GARNISHMENT
(NONPERIODIC)

CASE NO.

Court address Zip Code Court telephone no.

Plaintiff's name and address (judgment creditor)

Plaintiff's attorney, bar no., and address

Telephone no.

v

Defendant's name and address (judgment debtor)

Garnishee name and address

REQUEST See instructions for item 2 on other side.

1. Plaintiff received judgment against defendant for \$ _____ on _____.

2. The total amount of judgment interest accrued to date is \$ _____. The total amount of postjudgment costs accrued to date is \$ _____. The total amount of postjudgment payments made and credits to date is \$ _____.

The amount of the unsatisfied judgment now due (including interest and costs) is \$ _____.

3. Plaintiff knows or with good reason believes the garnishee is indebted to or possesses or controls property belonging to defendant.

4. Plaintiff requests a writ of nonperiodic garnishment be paid to plaintiff, plaintiff's attorney, the court, and mailed to plaintiff, plaintiff's attorney, the court.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT To be completed by the court. See other side for additional information and instructions.

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- You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

- Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last-known address by first-class mail.
- Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
- Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
- If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.
- Make all payments withheld under this writ payable and mailed as specified in the request.
- If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

Date of issue Expiration date for service Deputy court clerk

MC 13 (7/20) REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC) (Part 2) MCL 600.4011 et seq., MCR 3.101



Protected Personal Identifying Information: An Overview



SCAO Court Forms Containing P-PII

**SCAO
Forms w/P-
PII
Remaining
(Filer Use)**

- P-PII remaining on filer used forms;
- Used where form / case is nonpublic





SCAO Forms for P-PII

See Handout

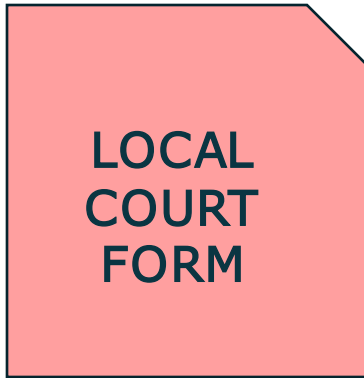
Court
Generated
Orders and
Docs

- Forms unchanged, P-PII remains
- Accommodates official dissemination.
- DO NOT Use MC 97 Forms





LOCAL Court Forms and P-PII



- Cannot have P-PII on form.
- Use of MC 97 required, if applicable.





Responsibility for Protection of P-PII

“Dynamic Duo”

COURTS

FILERS

Protected Personal Identifying Information: An Overview





FILER Responsibility for Protection of P-PII

Use of MC 97 forms for P-PII;

- * *Service of forms*

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY		SUMMONS Criminal		JUDGE DISTRICT CASE NO. CIRCUIT CASE NO.	
ORI Court address			Court telephone no.		
Mi. Defendant's name and address THE PEOPLE OF <input type="checkbox"/> The State of Michigan v. <input type="checkbox"/> Defendant(s) (if known) Complainant Date: On or about					
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB Put DOB on Ref. No. row 1 on MC 97
Police agency report no.	Charge	Maximum penalty			
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper/Chauf. CDL	Vehicle Type	Defendant DLN Put DLN on Ref. No. row 3 on MC 97	
Witnesses					
STATE OF MICHIGAN, COUNTY OF _____					
The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,					
IN THE NAME OF THE PEOPLE OF <input type="checkbox"/> THE STATE OF MICHIGAN <input type="checkbox"/>					
TAKE NOTICE: YOU ARE SUMMONED TO APPEAR for arraignment on _____ Date and time at <input type="checkbox"/> the address above <input type="checkbox"/> Location _____, Michigan, before the presiding judge. If you fail to appear, a warrant may be issued for your arrest. This summons expires on the date of hearing. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.					
_____ Judge/Magistrate signature and date					



STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		PROTECTED PERSONAL IDENTIFYING INFORMATION		CASE NO. and JUDGE	
Court address			Court telephone no.		
Plaintiff's/Petitioner's name		v. Defendant's/Respondent's name			
In the matter of _____					
If this form is filed on or after January 1, 2022, it will be maintained as a nonpublic document because the form contains personal identifying information (PII) that will be protected when amendments to MCR 1.109 become effective on January 1, 2022. Use this form to provide PII only for a person who is a defendant, respondent, or decedent. If the person is a plaintiff, petitioner, or other individual, use form MC 97a.					
Instructions: • Use this form when an SCAO-approved form instructs you to use it to provide PII. • Provide only the PII required for your particular case. For example, if you are filing a document that requires you to provide a date of birth to the court, complete only that field on this form.					
Name of form/document that this MC 97 is being filed with: _____					
Printed name of individual completing form and date					
Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required to be provided. For Other, specify the type of PII in addition to the PII itself. Use the below reference number (Ref. No.) in the document being filed in place of the PII. For example, insert "Ref. No. 1" in place of the DOB in the document.					
Ref. No.	Name (required)				
1	Date of birth				
2	National ID no. / Last 4 digits of SSN XXX-XX-				
3	Driver's License / State-issued ID no.				
4	Passport no.				
5	Other				
Ref. No.	Instructions: List the name of the financial institution and the account number. List the paragraph that references the account, if needed for clarity. Use reference number (Ref. No.) when necessary to refer to account in documents being filed.				
6	Financial institution	Account no.	Paragraph no.		
7	Financial institution	Account no.	Paragraph no.		
8	Financial institution	Account no.	Paragraph no.		
9	Financial institution	Account no.	Paragraph no.		
Approved, SCAO Form MC 97, Rev. 7/21 Page 1 of 1					



Protected Personal Identifying Information: An Overview



FILER Responsibility for Protection of P-PII

Attachments Containing P-PII



STATE OF MICHIGAN JUDICIAL DISTRICT COUNTY PROBATE		PROTECTED PERSONAL IDENTIFYING INFORMATION	CASE NO. and JUDGE
Court address		Court telephone no.	
Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name	
In the matter of _____			
<p>If this form is filed on or after January 1, 2022, it will be maintained as a nonpublic document because the form contains personal identifying information (PII) that will be protected when amendments to MCR 1.109 become effective on January 1, 2022. Use this form to provide PII only for a person who is a defendant, respondent, or decedent. If the person is a plaintiff, petitioner, or other individual, use form MC 97a.</p> <p>Instructions:</p> <ul style="list-style-type: none"> Use this form when an SCAO-approved form instructs you to use it to provide PII. Provide only the PII required for your particular case. For example, if you are filing a document that requires you to provide a date of birth to the court, complete only that field on this form. 			
Name of form/document that this MC 97 is being filed with: _____			
Printed name of individual completing form and date _____			
<p>Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required to be provided. For Other, specify the type of PII in addition to the PII itself. Use the below reference number (Ref. No.) in the document being filed in place of the PII. For example, insert "Ref. No. 1" in place of the DOB in the document.</p>			
Ref. No.	Name (required)		
1	Date of birth		
2	National ID no. / Last 4 digits of SSN		
3	Driver's License / State-issued ID no.		
4	Passport no.		
5	Other		
Ref. No.	Financial institution	Account no.	Paragraph no.
6			
7			
8			
9			

Approved, SCAO
Form MC 97, Rev. 7/21
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Protected Personal Identifying Information: An Overview



FILER Responsibility for Protection of P-PII

Hearing / Trial Exhibits Containing P-PII



- Proponent – NO Obligation to redact
- Subject of the PII information may request court to redact offered exhibit.
- Standard for granting request:

"Party or person's privacy interest outweighs the public's interest in the information"





FILER Responsibility for Protection of P-PII

Consequences for Filer's FAILURE to follow the rules:

- Waiver (*as to own P-PII*)
- Court Sealing
- Request for Redaction
(SCAO MC 97r)
- Contempt*
(SSN, AO 2006-2)





COURT Responsibility for Protection of P-PII

It's Ok

- Court-Court
- Official Court-3Pty Communication
 - SOS Abstracting
 - MSP / Law Enforcement
 - LEIN / Criminal History
- * MC 97 NOT used.





COURT Responsibility for Protection of P-PII

- Public Document
- Filer Prepared Document (SSN, filed on or after 3/1/06)
- Court Prepared / Issued Document
 - on or after April 1, 2022





COURT Responsibility for Protection of P-PII

- **Proactive Strategies**
 - Enforcing filer rules;
 - Flagging Docs with P-PII;
 - 2 Versions of Court Docs;
- **Reactive Strategies**
 - Requests for redaction;
 - Redaction before access;
 - Redaction of copies;
- Other??





Approved Access to P-PII

- Parties and Interested Persons*
- Individual with Access to Nonpublic Record
- Signed Stipulation from Party
- TBD SCAO Program for Access to DOB*
 - not all P-PII
 - limited to DOB





Successful implementation and protection of P-PII requires your vigilance.

QUESTIONS?



Protected Personal Identifying Information: An Overview