

Privacy Considerations for Project Managers & Incorporating Privacy into Agile Methodology

IT Project Management Community of Practice
Katy Ruckle, State Chief Privacy Officer
May 23, 2022

Background – path to privacy

- Admitted to WSBA 2005
- Started with state in 2006
- Contracts/procurement
- Healthcare & DSHS



O
P
D
P

Overview of Today's Presentation

- I. What is privacy?
- II. How do we implement privacy?
- III. When does privacy need to be at the table?
- IV. What will privacy do?

O
P
D
P

What is privacy?

O
P
D
P

What is Privacy?



Communications Privacy



Territorial Privacy



Bodily Privacy



Information Privacy

O
P
D
P

What is Privacy?



Communications Privacy



Territorial Privacy

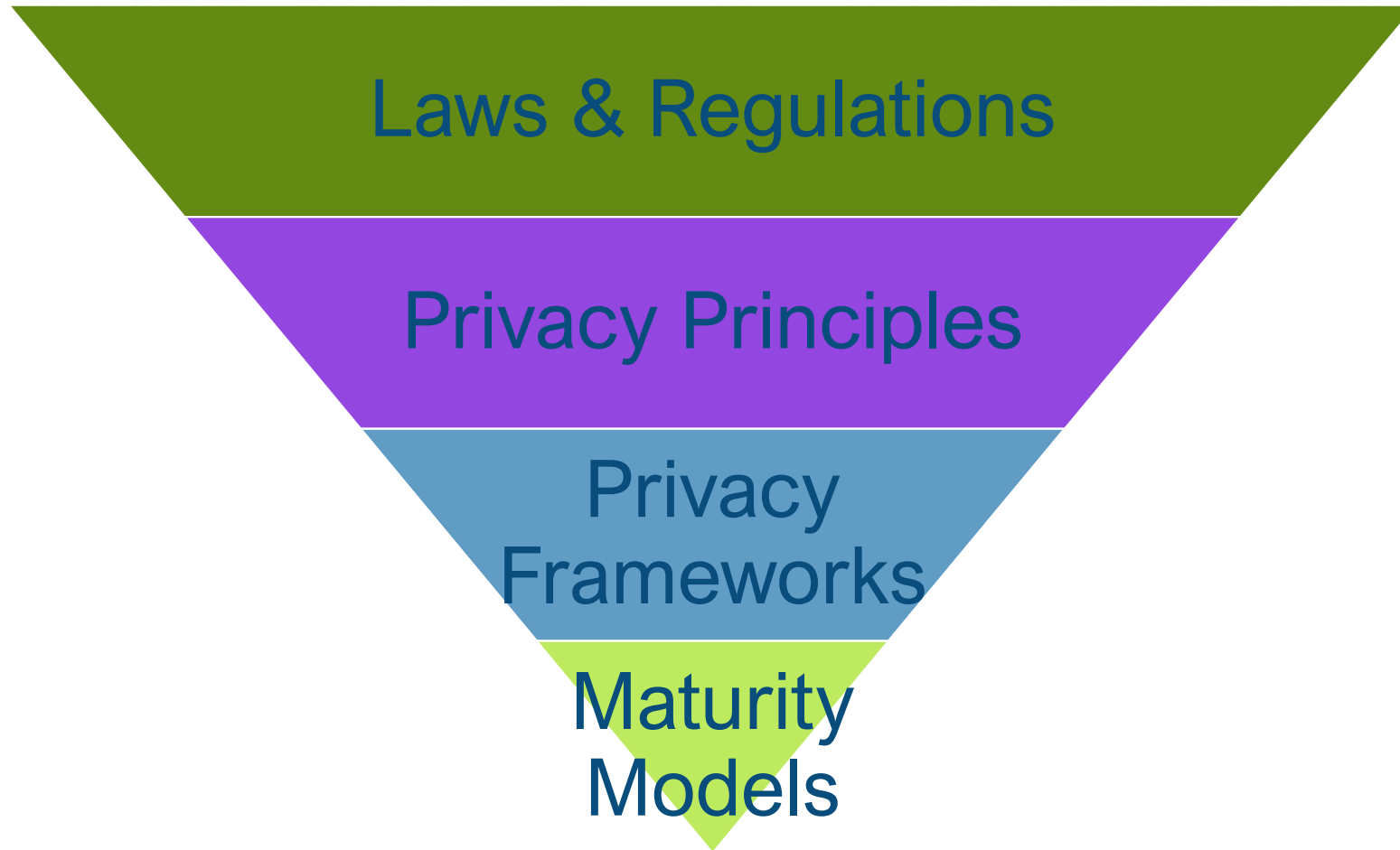


Bodily Privacy



Information Privacy

O
P
D
P



Effective Privacy and Data Protection

O
P
D
P

Office of Privacy and Data Protection (OPDP)

- Executive Order 16-01
- RCW 43.105.369
- Statutory creation of the Office of Privacy and Data Protection
- Position of State Chief Privacy Officer created in RCW

O
P
D
P

OPDP Duties in Law

- Serve as a central point-of-contact for state agencies on policy matters involving data privacy and data protection
- Serve as a resource to local governments and the public on data privacy and protection concerns
- Conduct an annual state privacy review
- Conduct an annual privacy training for state agencies and employees
- Articulate privacy principles and best practices
- Coordinate data protection in cooperation with state agencies
- Review of major state agency projects involving PII
- Promote best practices for the collection and storage of PII
- Educate consumers about the use of PII on mobile and digital networks
- Legislative Reports on Metrics

O
P
D
P

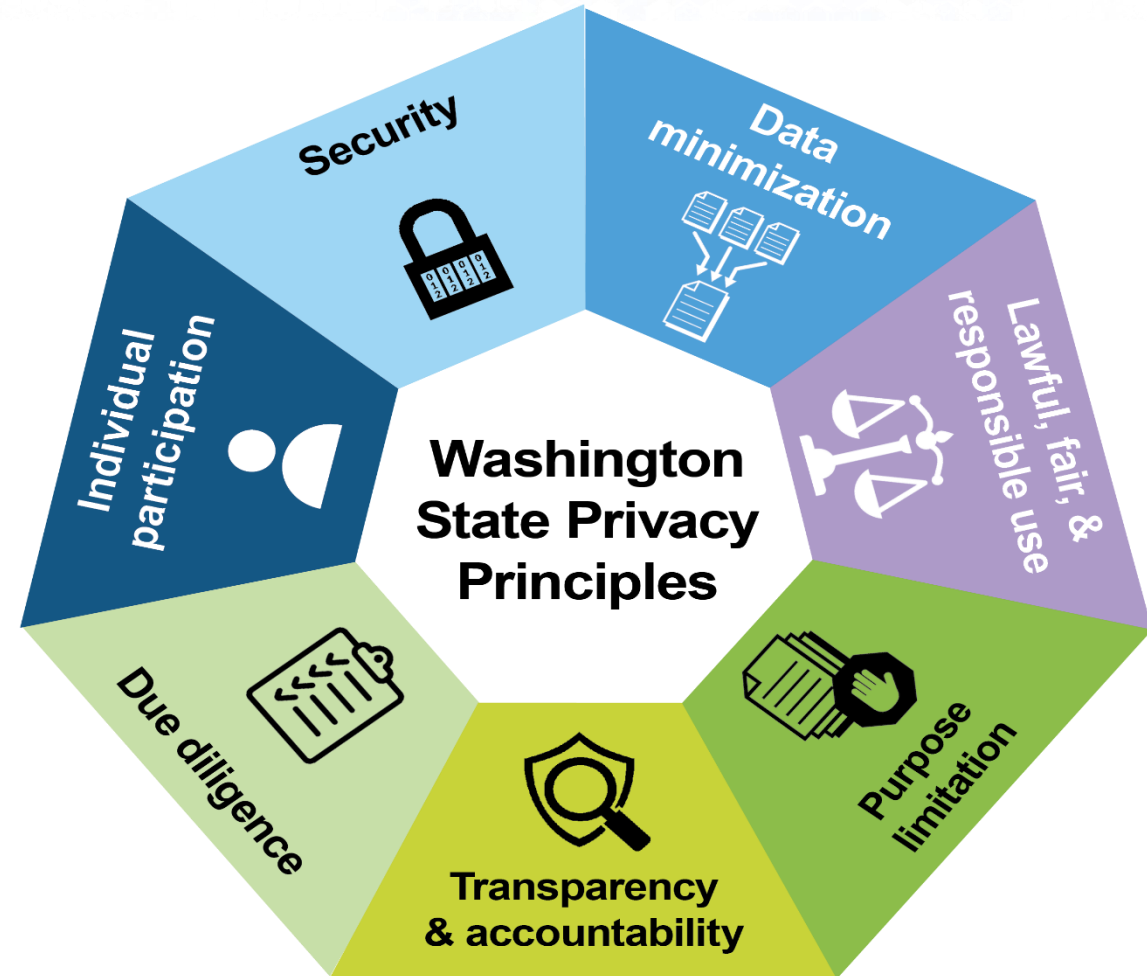
OPDP Duties in Law

- Serve as a central point-of-contact for state agencies on policy matters involving data privacy and data protection
- Serve as a resource to local governments and the public on data privacy and protection concerns
- Conduct an annual state privacy review
- Conduct an annual privacy training for state agencies and employees
- Articulate privacy principles and best practices
- Coordinate data protection in cooperation with state agencies
- Review of major state agency projects involving PII
- Promote best practices for the collection and storage of PII
- Educate consumers about the use of PII on mobile and digital networks
- Legislative Reports on Metrics

O
P
D
P

Washington State Agency Privacy Principles

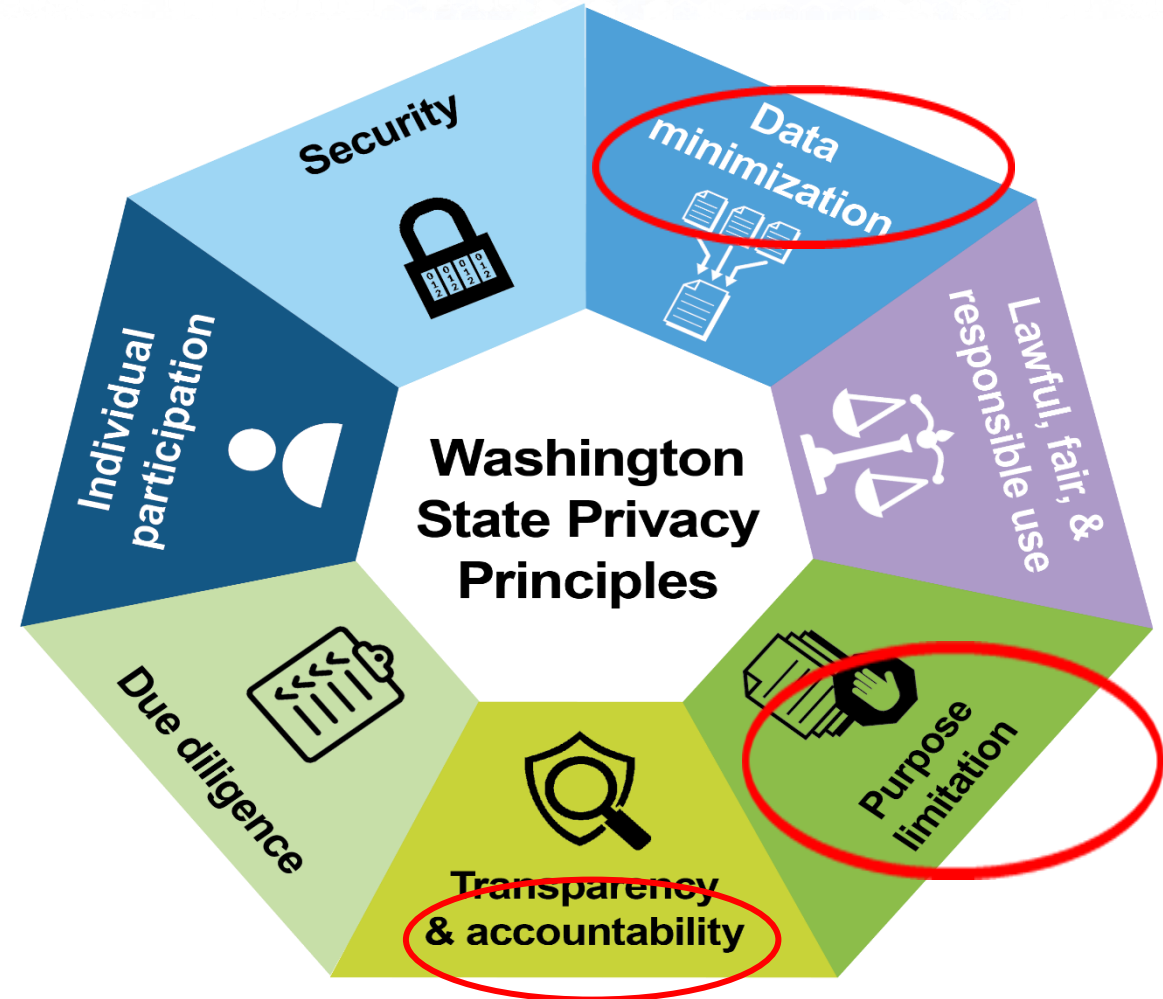
- ❖ Lawful, fair, & responsible use
- ❖ Data minimization
- ❖ Purpose Limitation
- ❖ Transparency & accountability
- ❖ Due diligence
- ❖ Individual participation
- ❖ Security



O
P
D
P

Washington State Agency Privacy Principles

- ❖ Lawful, fair, & responsible use
- ❖ Data minimization
- ❖ Purpose Limitation
- ❖ Transparency & accountability
- ❖ Due diligence
- ❖ Individual participation
- ❖ Security



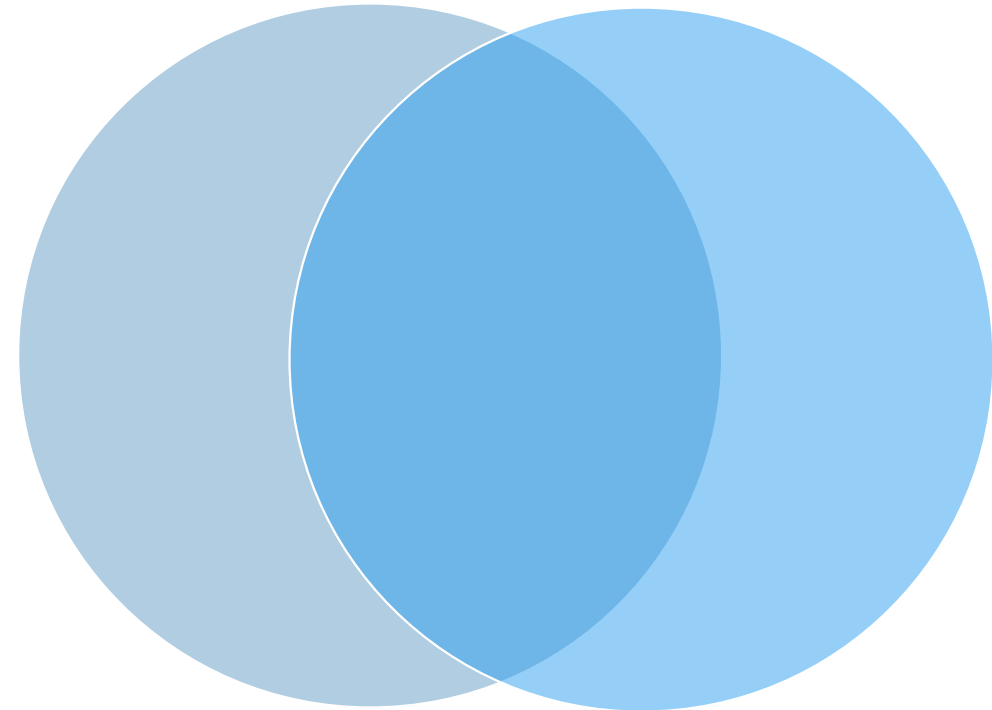
Laws and Regulations

Gaps may exist where laws:

- Do not establish strong enough protections to meet people's expectations
- Do not keep pace with changes in technology and business practices
- Do not account for an organization's specific mission or cultural context

Legal Requirements

Effective Privacy Controls



O
P
D
P

How do we implement privacy?

O
P
D
P

Threshold Question

**Does the
project
“process”
personal data?**



O
P
D
P

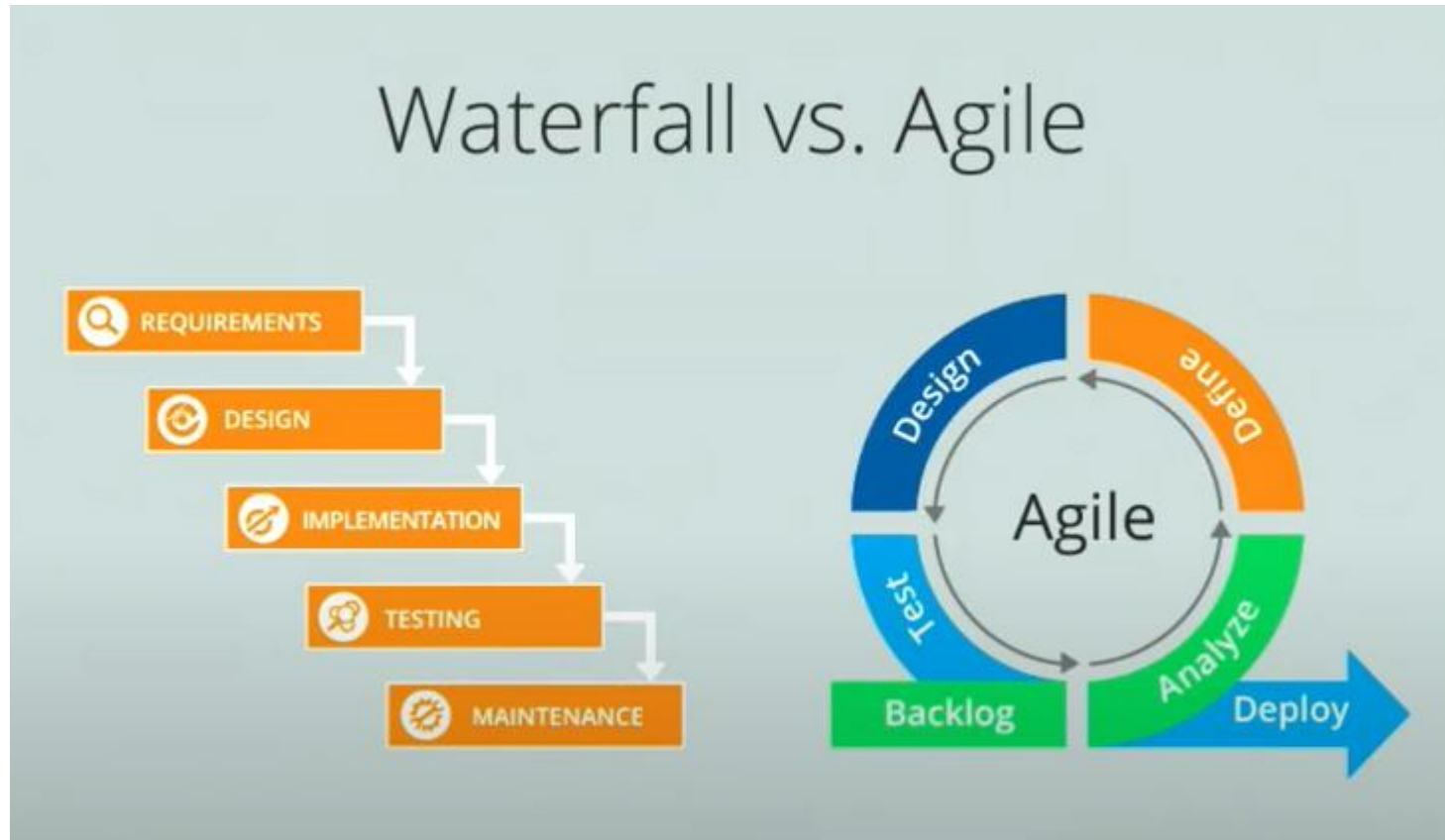
Does the project “process” personal data?

Process means:

- any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the
 - collection
 - use
 - storage
 - disclosure
 - analysis
 - deletion
 - modification of personal data

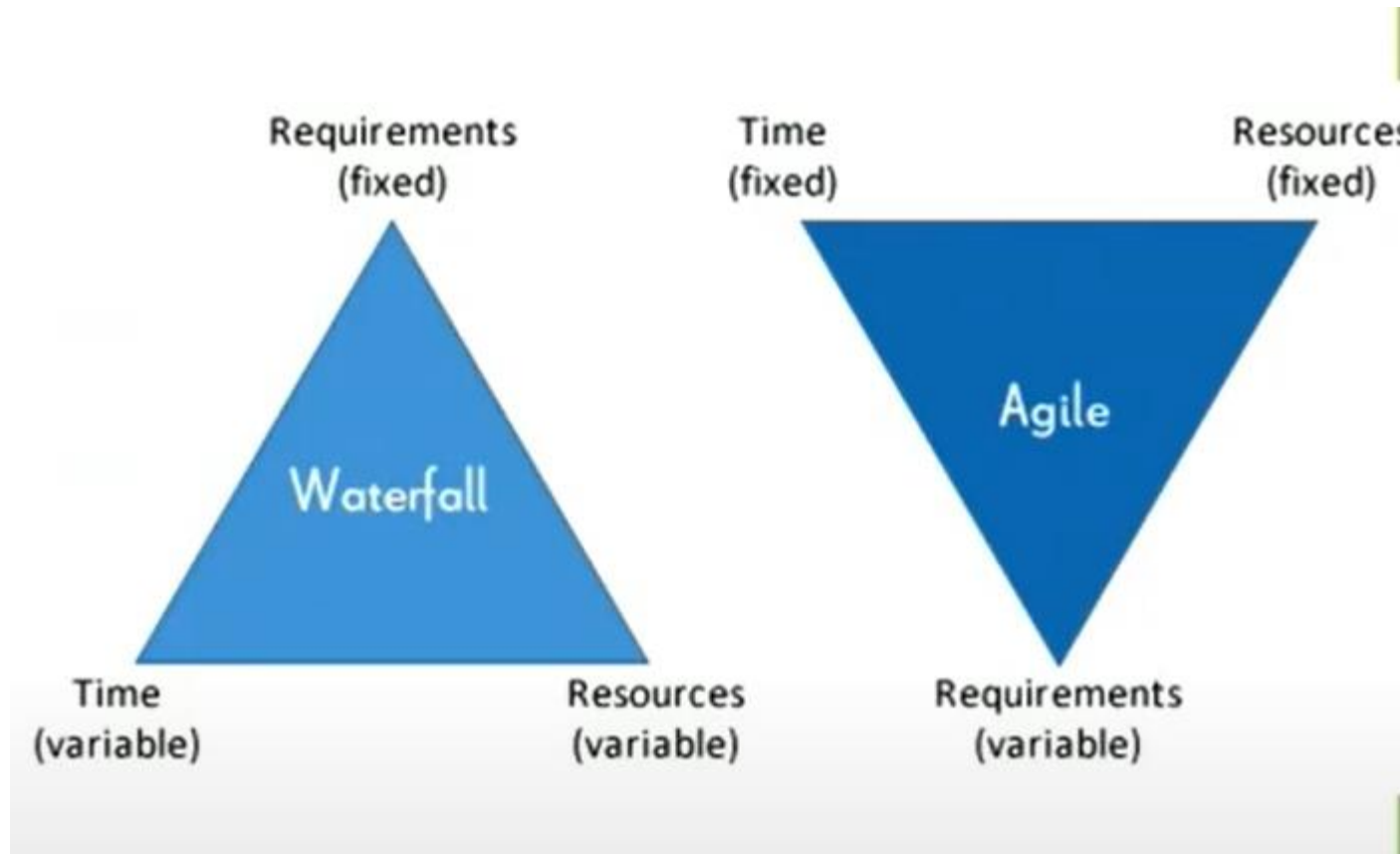
O
P
D
P

Incorporating Privacy



O
P
D
P

Incorporating Privacy



O
P
D
P

To deal with these challenges – you need to classify* the data

Data Classification:

- Category 4 - Confidential Information requiring special handling
- Category 3 - Confidential
- Category 2 – Sensitive
- Category 1 – Public

* OCIO 141.10 4.1

Example Category:

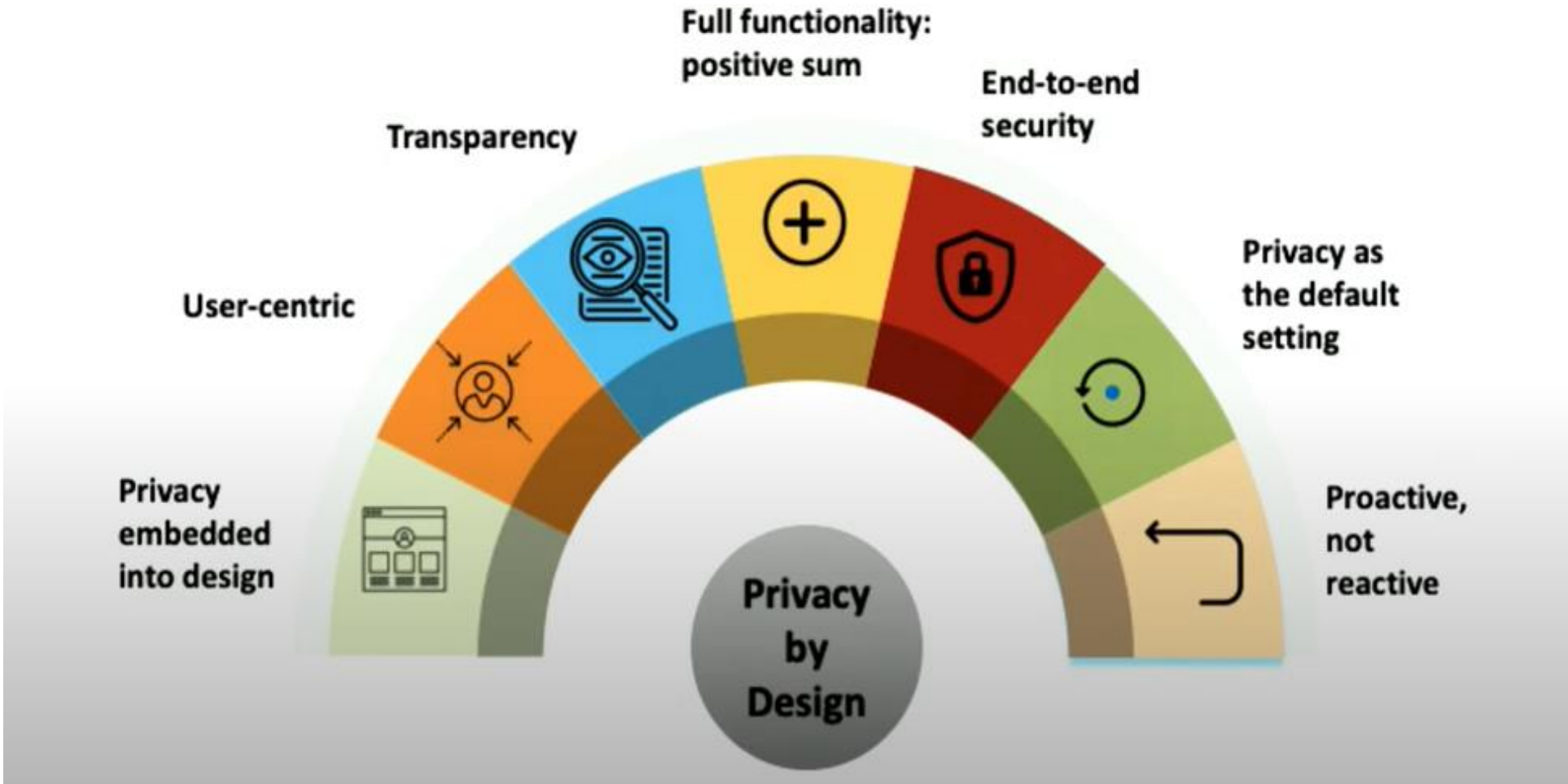
- Healthcare data protected by HIPAA
- Government identifier
- Operational information
- Public information

Example Data Set:

- Medical diagnosis
- Driver's License
- Internal emails
- Agency websites

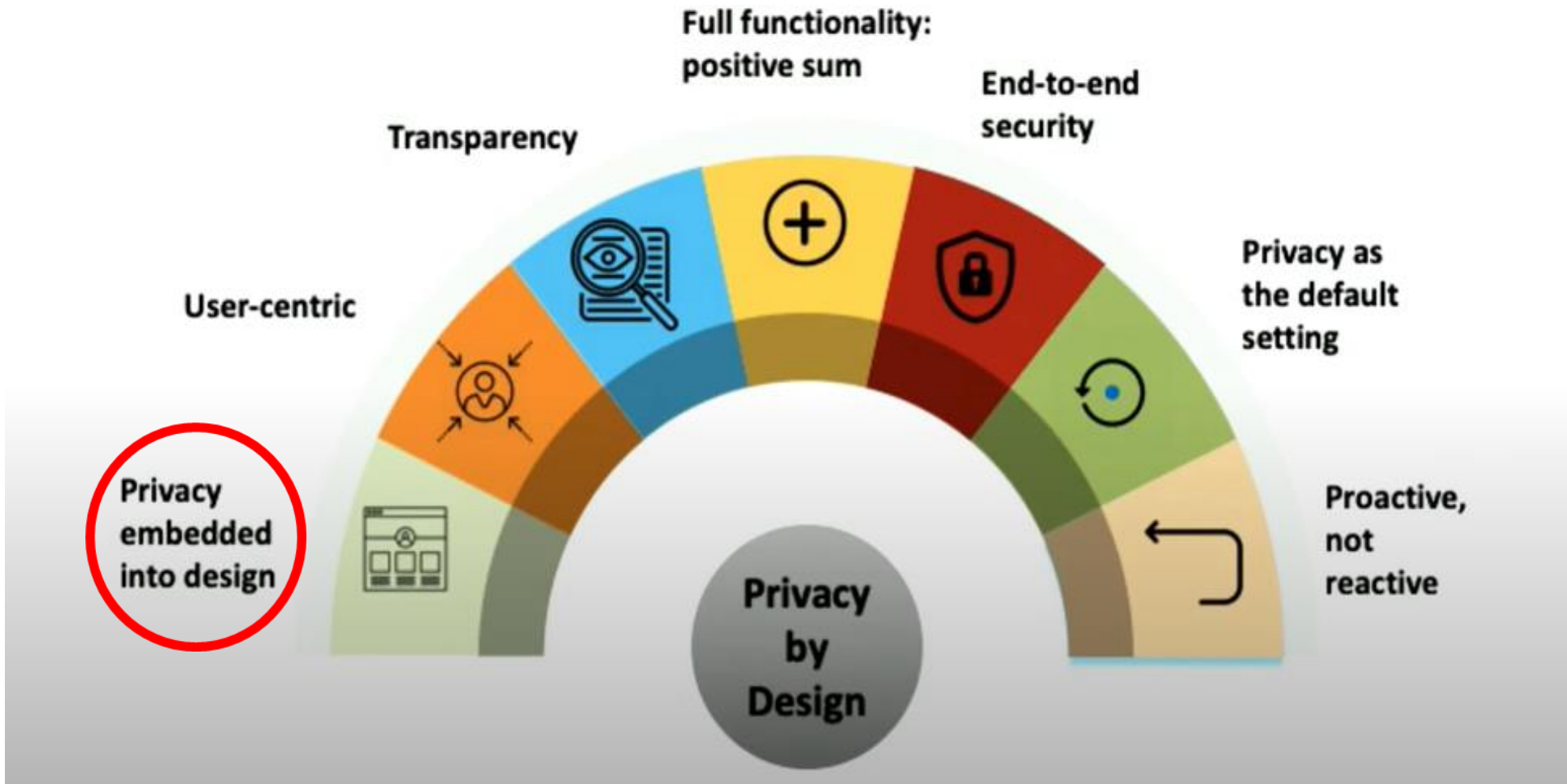
O
P
D
P

Privacy-by-Design Principles



O
P
D
P

Privacy-by-Design Principles



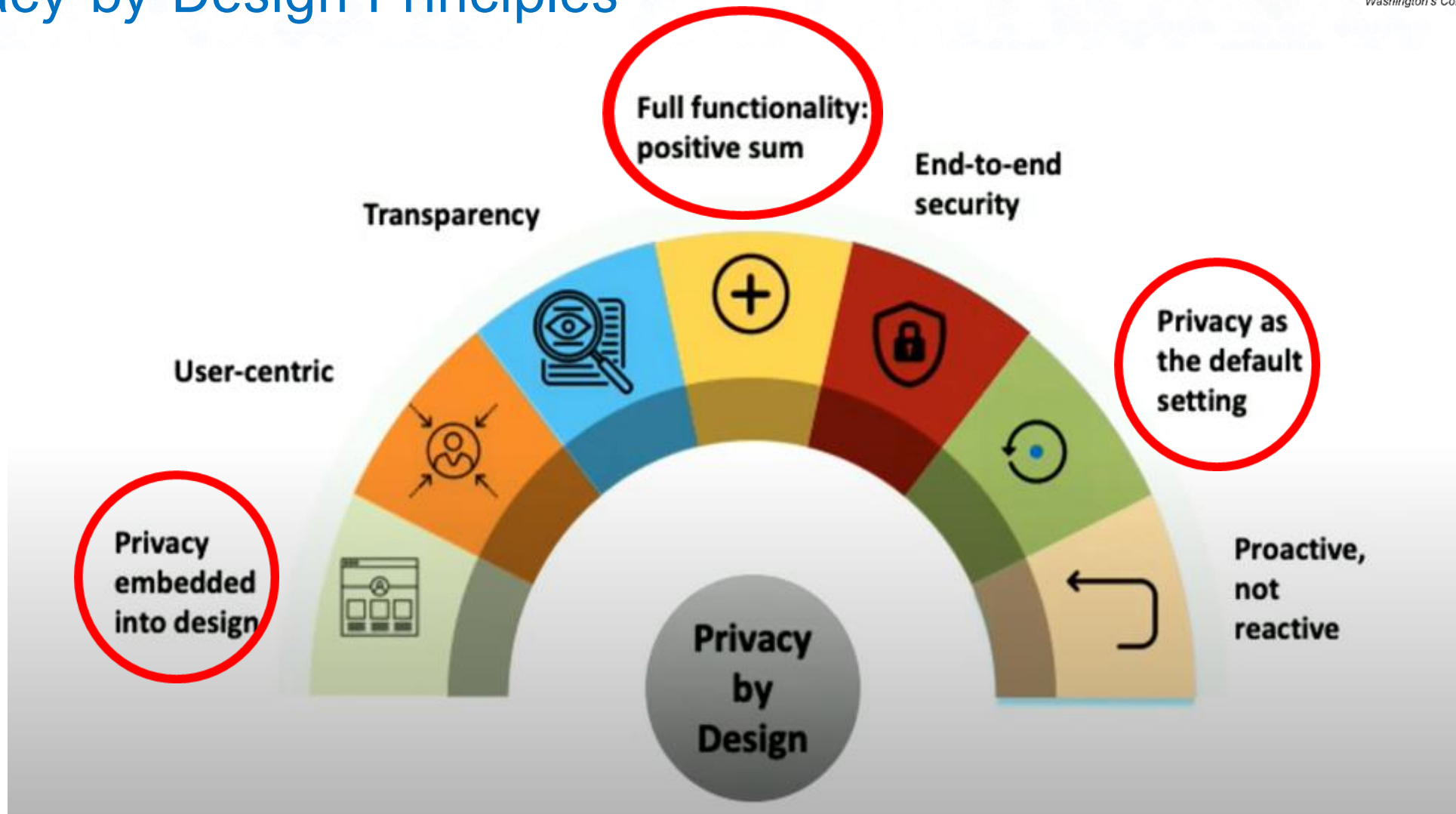
O
P
D
P

Privacy-by-Design Principles



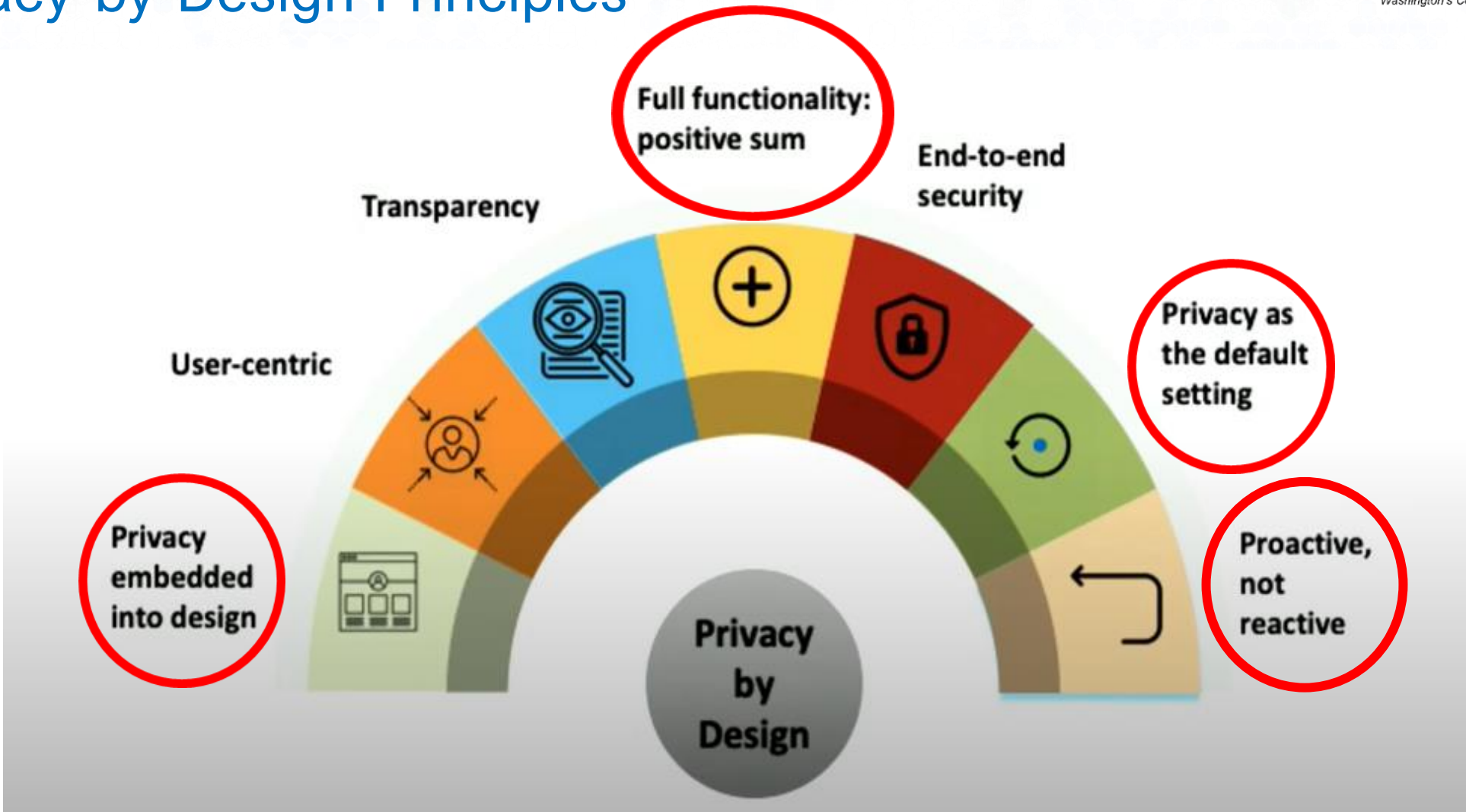
O
P
D
P

Privacy-by-Design Principles



O
P
D
P

Privacy-by-Design Principles



O
P
D
P

When does privacy need to be at the table?

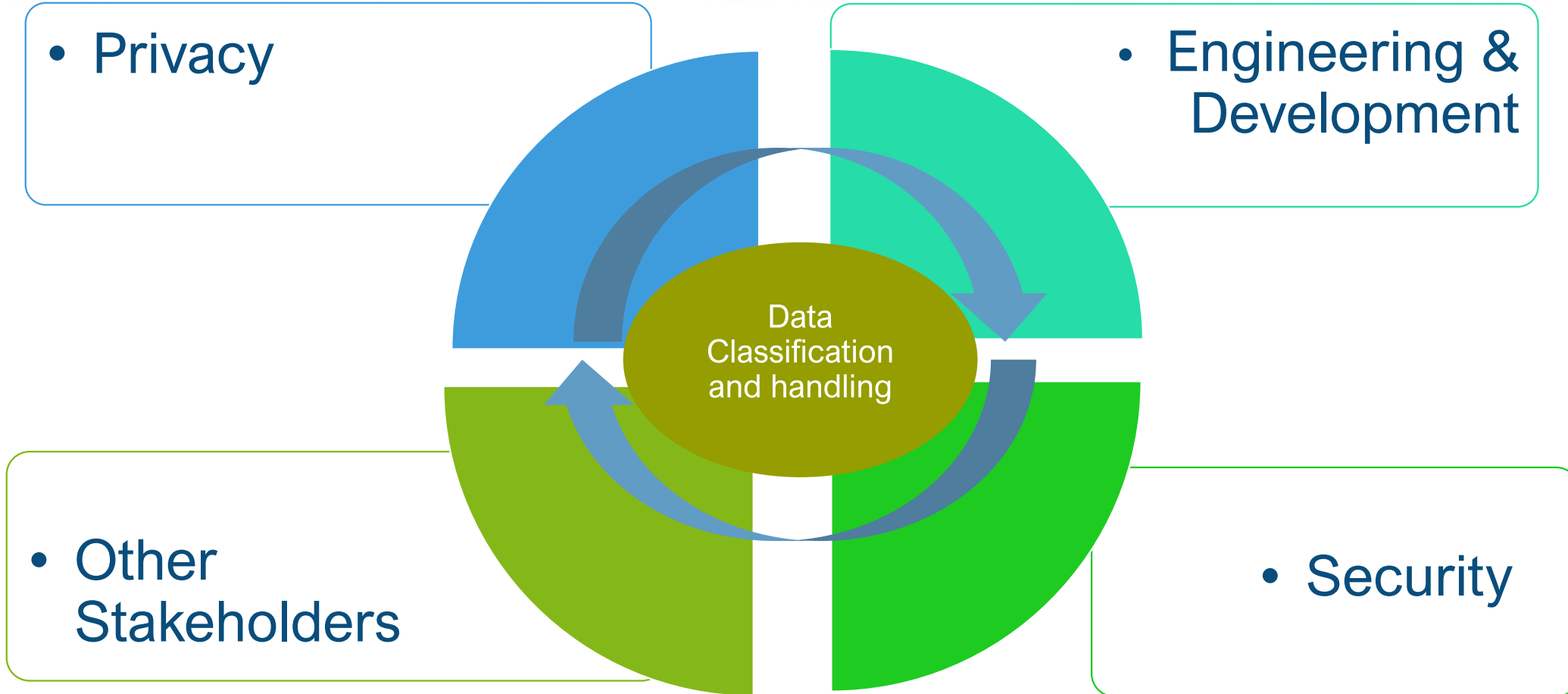
O
P
D
P

Potential triggers for Privacy involvement

- At project conception if PII is going to be used.
 - Privacy can help determine whether the information should be collected.
 - Being involved early also helps establish the level of our involvement throughout the project.
- When confidential data is involved ... internally and with third parties.
- Where data sharing agreements or contracts are being executed.
- Sometimes at more than one point in the project – agile method is iterative.
- Systems and processes established with security design review.

O
P
D
P

Privacy stakeholders for Agile Methodology



O
P
D
P

Agile process challenge

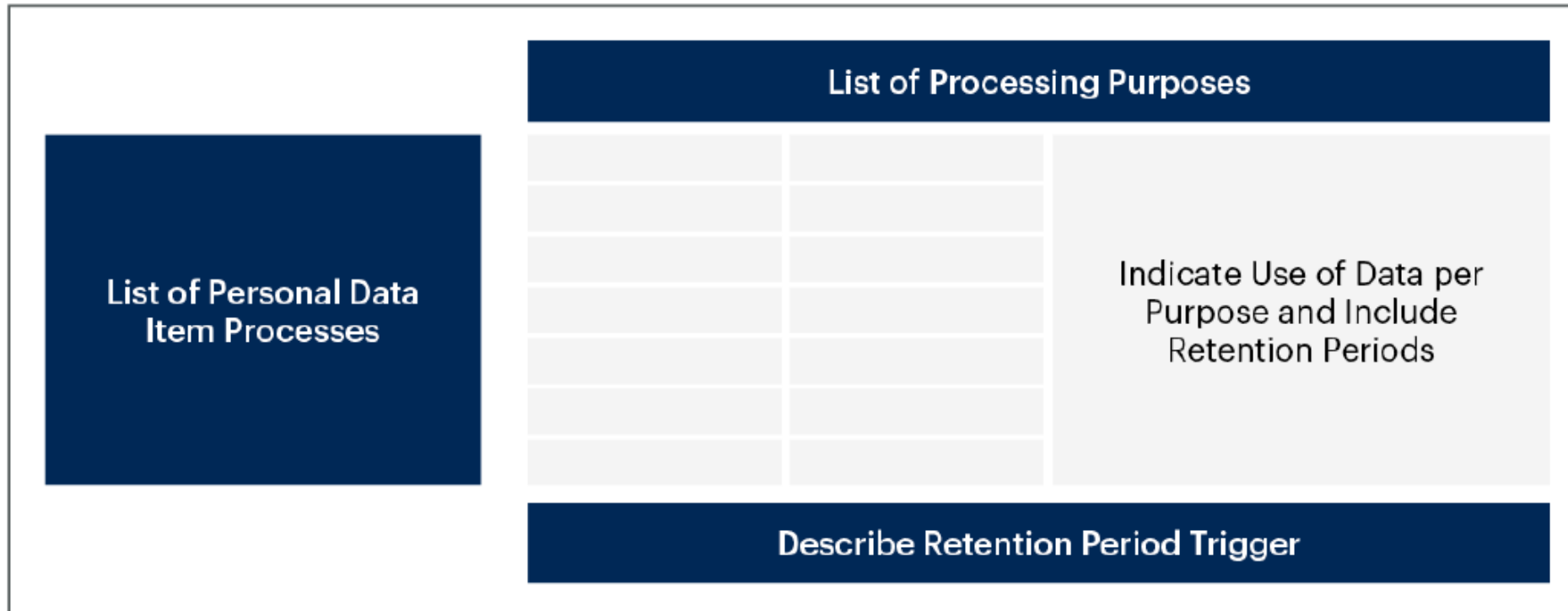
- **Challenge:**
Determining privacy risk for a system that will exist later
- **Fix:** Quick assessment (mini privacy review)



O
P
D
P

Agile Methodology – Quickly Assess Each Sprint

A Quick Assessment Overview Result



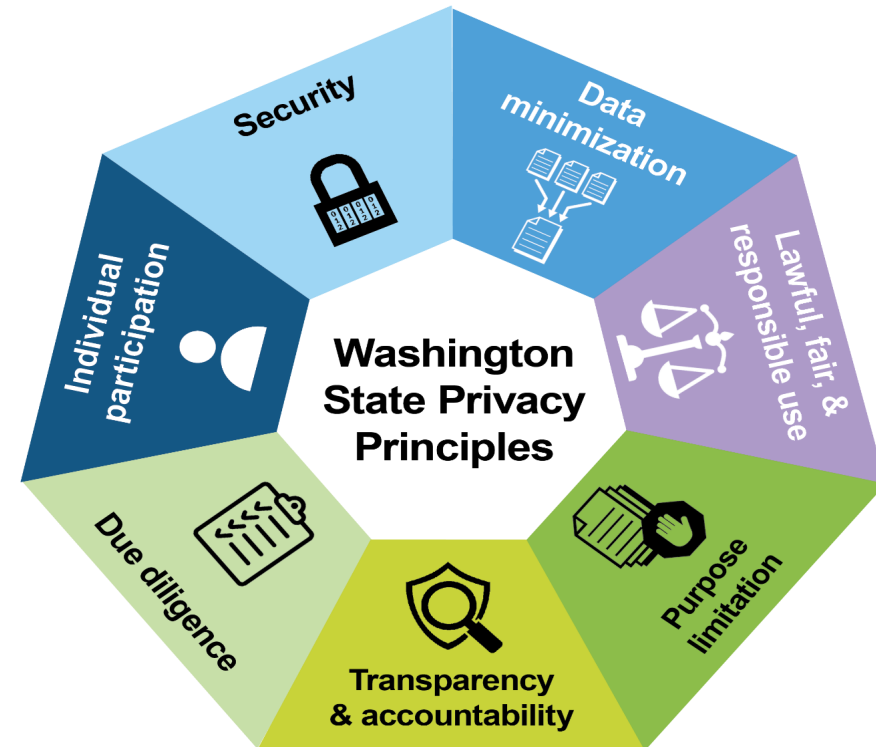
Source: Gartner

O
P
D
P

Quick assessment - ties directly to Privacy Principles

Determine:

- ✓ What personal data are you collecting?
- ✓ Where are you going to get it from?
- ✓ Where will it be stored?
- ✓ Who will have access?
- ✓ Purpose for collection? Why do you actually need it?
- ✓ How long does it need to be retained?



O
P
D
P

What is the anticipated outcome and benefits from this process?

➤ Outcomes:

- Flag privacy review and detect privacy issues
- Technical privacy requirements for specific part of the project
- Prioritization of mitigation efforts
- Consult with privacy and legal based on assessment

➤ Benefits:

- Further analysis of project based on discovered knowledge
- Embed privacy into project for further iterations
- Improved data classification and data handling standards

What will privacy do?

O
P
D
P

Privacy Impact Assessment Tool and Privacy Threshold Analysis Process

The PIA Process

A PTA is a brief, high-level assessment used to determine whether the subject of the review may have privacy implications and require a PIA.

Privacy Threshold Analysis (PTA)

Continuous Review Cycle

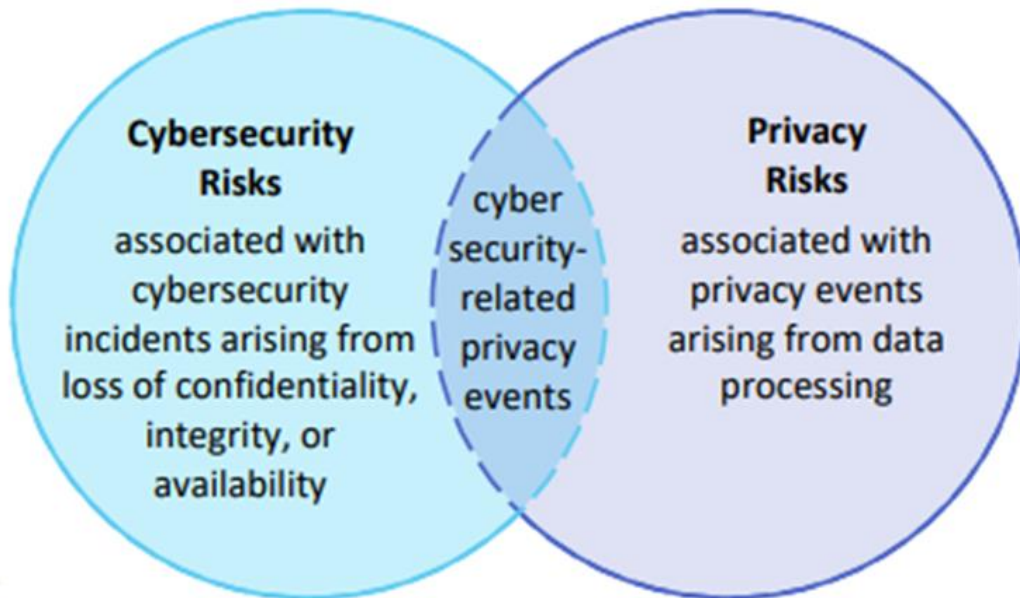
Privacy Impact Assessment (PIA)

A PIA is a tool used to describe how projects interact with information assets. A PIA should document the risks identified by through the process and the privacy solutions or mitigations strategies adopted as a result.

Review and Update, as Appropriate

O
P
D
P

Coordinate data protection with WaTech's Office of Cybersecurity



- Collaboration on data security initiatives that overlap with data governance
- Security is one of the WA state agency privacy principles
- Initiative to perform privacy impact assessments as a part of the security design review process
- OCS Operational Plan coordination

O
P
D
P

Privacy in Action

M365 Implementation



- Webinar on Privacy Considerations for M365
- Attend M365 Meetings with eDiscovery and records community
- Data management issues
- MyAnalytics questions
- Privacy concerns
- Waivers

OneWa Project



<https://one.wa.gov/>

- SME support and guidance to the OneWa Project
- Privacy Subcommittee under the OneWa Data Governance Advisory Committee
- Design and review the Privacy Impact Assessment

O
P
D
P

Summary

O
P
D
P

Key takeaways to incorporate privacy

First ask: Does the project or sprint process personal data?

If so:

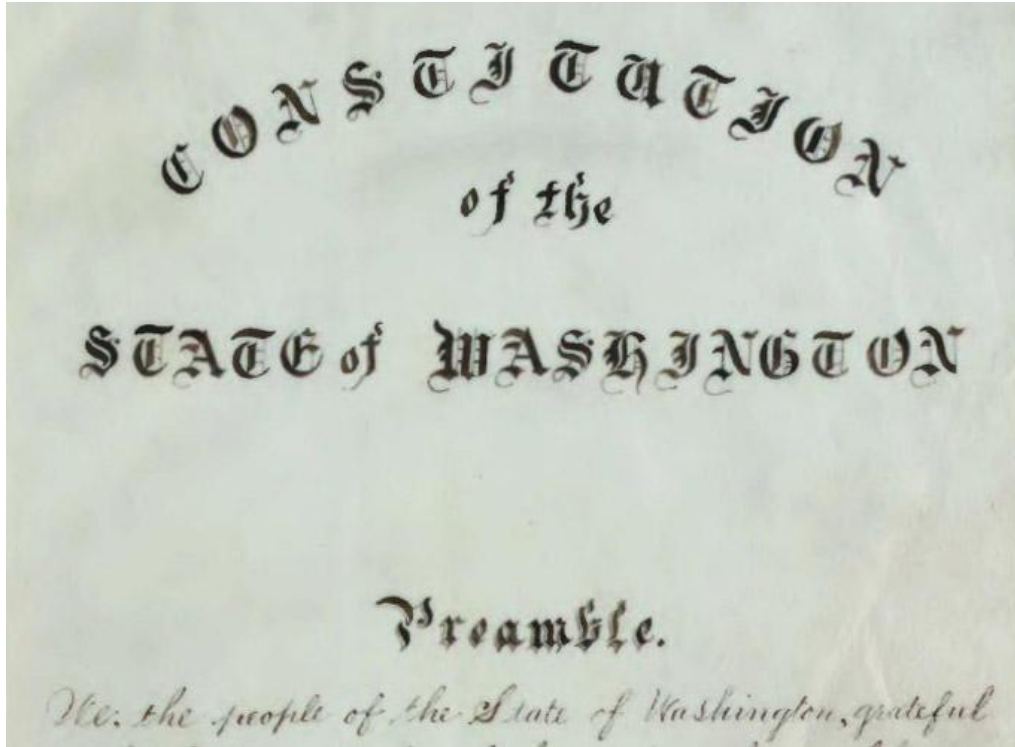
Determine:

- ✓ What personal data are you collecting?
- ✓ Where are you going to get it from?
- ✓ Where will it be stored?
- ✓ Who will have access?
- ✓ Purpose for collection? Why do you actually need it?
- ✓ How long does it need to be retained?



O
P
D
P

Privacy is a Right



O
P
D
P

Office of Privacy and Data Protection



Office of Privacy and
Data Protection



Government Agency
Resources



Projects & Initiatives



News & Information
Privacy Points



Subscribe for alerts & updates



[How to subscribe](#)

O
P
D
P

Privacy Training and Communications

Privacy Points – Monthly blog on events, initiatives, legislative updates, and other current privacy topics

[Privacy.wa.gov](https://www.privacy.wa.gov)












Subscribe for alerts & updates



How to subscribe

Subscription Topics

- WaTech Products and Solutions
- Communications 
- Hosting 
- Internet & Web 
- Networks 
- Security 
- WaTech Support Center
- Office of Privacy & Data Protection 
- Privacy Community 
- Office of the Chief Information Officer (OCIO) 
- WaTech Customers 

O
P
D
P

Thank you!

privacy@watech.wa.gov

O
P
D
P