

EVALUATING THE PERFORMANCE OF THE OFFICE OF PRIVACY AND DATA PROTECTION

January 2017



Office of Privacy
& Data Protection

Executive Summary



Alex Alben, Chief Privacy Officer
Washington State

The Office of Privacy and Data Protection (ODPD) came into being in early 2016 with a mission to ensure that state government protects citizen privacy. In seven months, our office has begun the critical work of identifying privacy best practices, organizing people who work on privacy and data in state agencies and programs and begun new initiatives to use technology to solve the difficult problem of how to build new products and services with privacy as a priority.

From the outset, our office has used metrics to measure performance. The metrics mandated by the Legislature are covered in this report. We have quantified training sessions, contacts with agencies and consumer education and outreach.

Over this summer, we conducted a Privacy Assessment to identify actual practices with respect to privacy and data management inside state government. Fifty-five agencies contributed to this survey and this report summarizes the key findings of our *Privacy Assessment Report*. To steal a headline, we found that Washington State agencies place a high priority on privacy and have adopted a variety of practices to invest in privacy and security. They would like additional training and coordination of policy to continue to do their job to manage and protect citizen data.

Our office exists as a resource for state agencies, the Legislature and the Governor's Office on privacy issues, particularly those involving new technologies, such as drones, mobile cameras and biometrics. As technology evolves, our office will strive to provide relevant intelligence to assist policy-makers.

Finally, we began several new initiatives to make it easier for agencies and local governments to manage data in the course of rendering services to their constituencies:

- In November, we announced a beta test of Privacy Modeling, a web-based application created to allow people to quickly determine whether Federal and State privacy laws apply to their intended use of citizen data.
- We continue to improve Privacy.wa.gov, to promote privacy tips and tools for consumers, helping them navigate difficult issues such as online privacy protection and identify theft.
- We formed a Privacy Working Group to coordinate best practices. Over 40 agencies and programs have joined the PWG, which meets quarterly.

Privacy cuts across many traditional government functions. Virtually every government service now involves the collection, processing and storage of citizen data. In the era of digital government, data protection has become paramount. To that end, our office will continue to energetically pursue our mission and to work with a variety of stakeholders to make sure that Washington adopts and implements best practices for our 7.3 million citizens.

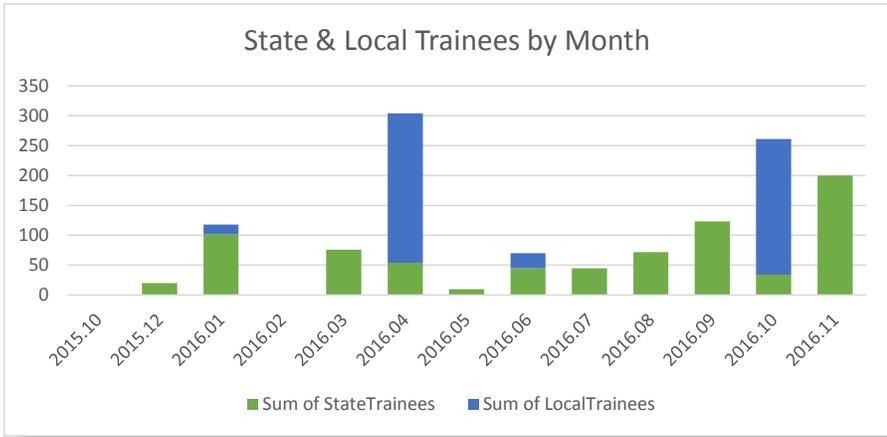
A handwritten signature in black ink that reads "Alex Alben". The signature is fluid and cursive, with a long horizontal line extending to the right.

Alex Alben
Chief Privacy Officer

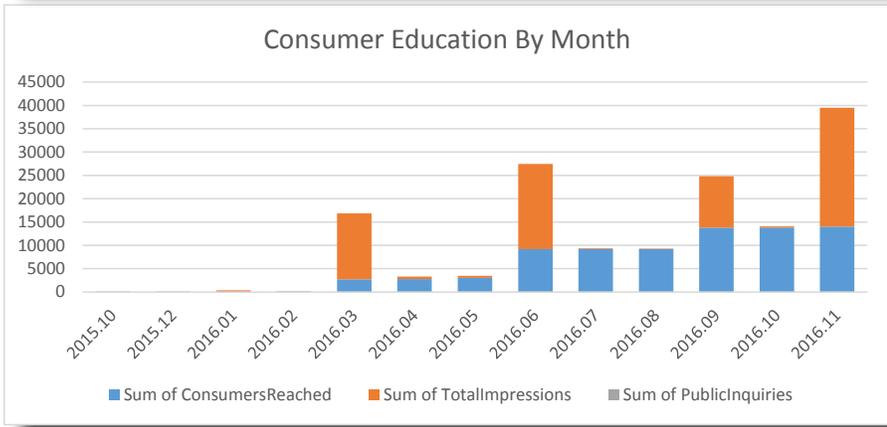
Actions in the past year

In 2016, we have accomplished the following:

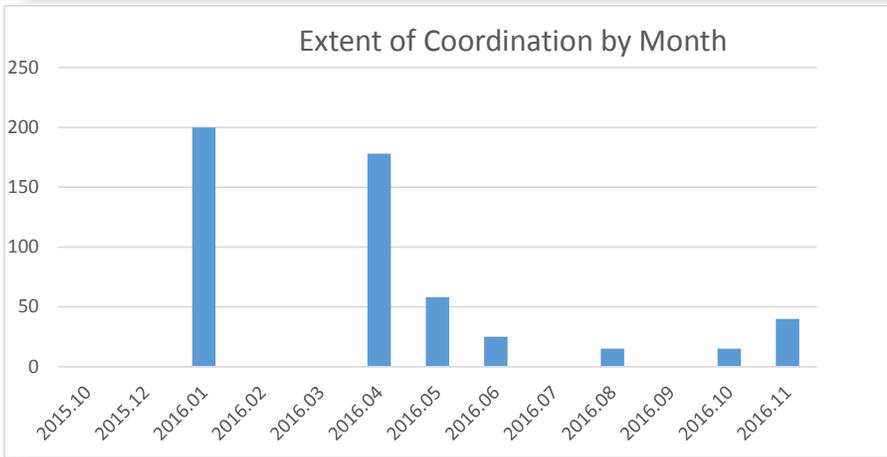
- Conducted the first Privacy Assessment Review of practices in state agencies, published on our website, Privacy.wa.gov.
- Conducted training sessions from Everett to Clarkston for 416 local government employees. Conducted training for 679 state employees from 12 participating agencies.
- Articulated principles and practices for professionals through articles and interviews in professional publications such as *Government Technology*.
- Provided a consumer Privacy Guide for Washington Citizens, distributed to libraries, senior centers and other venues. The guide has proven popular and is now in its second printing.
- Published a website devoted to consumer privacy: Privacy.wa.gov. The site includes over 50 tips and tools for citizens. Privacy.wa.gov has been accessed 60,432 times by 16,695 unique users.
- Consulted with 531 experts and technology staff from around the world to gather insights and best practices for potential use in Washington.
- Keynoted the fall conference for the Association of County and City Information Systems (ACCIS).
- Briefed three legislative committees on privacy issues.
- Participated in a public-private partnership, which organized and presented the Governor's Summit on Privacy and Cyber Security in January 2016.
- Participated in the Office of the Chief Information Officer's (OCIO) review of agency project budget proposals. Reviewed 62 projects for privacy issues and practices.
- Formed a Privacy Working Group composed of privacy advocates and experts from 40 agencies.
- Participated in broadband / access equity events in Colville, Freeland, Seattle and Washington DC.
- Participated in the OFM review of the All Payer Claims Database project.
- Assisted Stevens County in building a county broadband map using open-source technology pioneered by the city of Seattle.
- Partnered with the state of Maine and the National Telecommunications and Information Administration (NTIA) in beta testing for a new federal program supporting local broadband planning based on open data.
- Partnered with the Tech Policy Lab at the University of Washington on privacy policy and research relating to current issues in privacy law with a focus on Washington State.
- Developed the Privacy Modeling web application designed to foster "privacy by design" for state and local governments.



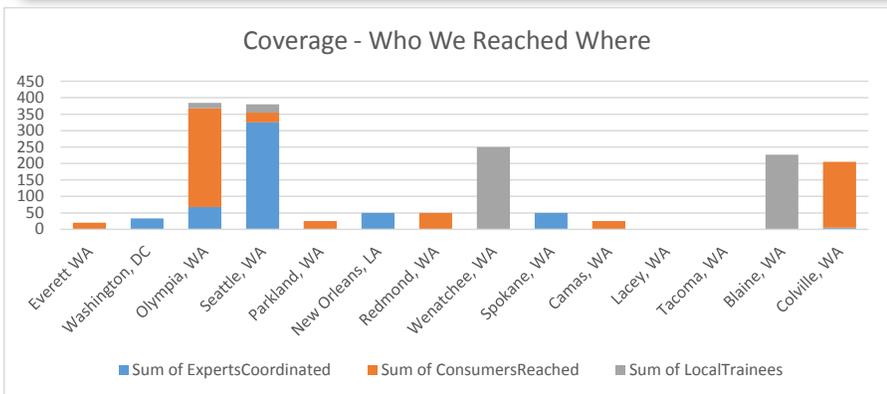
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Background

- » The Legislature created the OPDP in statute in the 2016 session, confirming and expanding the scope of the Governor's Executive Order 16-01.
- » Washington became one of the first states to have a statewide chief privacy officer.

In its 2016 session, the Washington State Legislature passed House Bill 2875, sponsored by Representatives Norma Smith, Jeff Morris and Chad Magendanz, which created the Office of Privacy and Data Protection for the state. In the bill, the Legislature found that:

“Data privacy, data protection, and access equity are of increasing concern for all residents of the state. State agencies and programs entrusted by citizens with sensitive personal information must serve as responsible custodians of this data. The state can also play an important role in educating local governments and consumers about measures that may help them protect this information and as an advocate for access equity.” *Chapter 195, Laws of 2016*

The legislation confirmed and expanded the direction and scope announced in Governor Inslee's Executive Order 16-01 establishing the state's Chief Privacy Officer.

Specific Mandates and Duties

The **Office of Privacy and Data Protection** is charged with one general purpose and several specific duties to the public, local governments and state agencies, as follows:

For state agencies, the office serves generally as a central point of contact on policy matters involving data privacy and data protection, and is charged with the following specific duties:

- ✓ Conduct an annual privacy review (completed October 2016);
- ✓ Conduct an annual privacy training for state agencies and employees (1095 trained);
- ✓ Articulate privacy principles and best practices (documents and web pages used 60,000 times this year);
- ✓ Coordinate data protection in cooperation with WaTech (ongoing); and
- ✓ Participate with the state Office of the Chief Information Officer in the review of major state agency projects involving personally identifiable information (62 proposals reviewed this year).

For local governments and the public, the office serves as a resource on data privacy and protection concerns, by:

- a. Developing and promoting the dissemination of best practices for the collection and storage of personally identifiable information, including establishing and conducting a training program or programs for local governments; and
- b. Educating consumers about the use of personally identifiable information on mobile and digital networks and measures that can help protect this information.

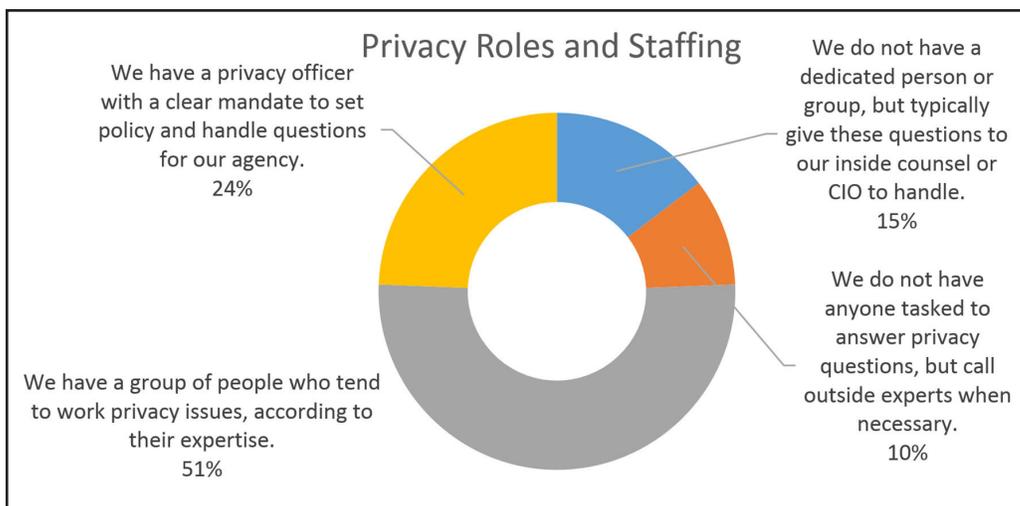
Analysis, Themes and Outcomes

Our assessment of state agency privacy practices, completed in October, highlighted several key themes and measures for ongoing attention, including the following from our published *Privacy Assessment Report*:

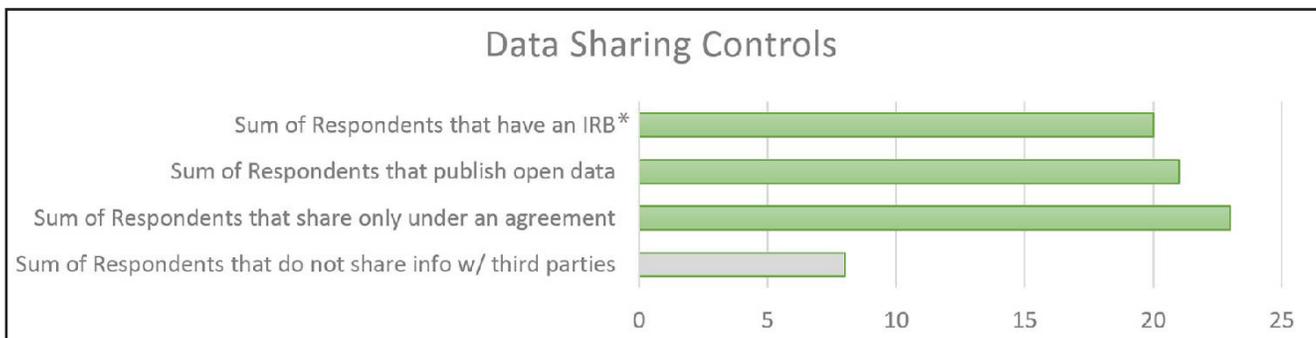
- A strong majority of state agencies rank privacy as a high priority.
- Agencies indicate they want more training and coordination.
- Agencies collect a range of information depending on their mission.
- Agencies use multiple tools and techniques to manage data.
- Agencies share private data by agreement; public data openly.

The following samples present select aspects of our assessment’s data:

- To adequately address the evolving nature of the privacy landscape, a growing number of agencies in Washington have made privacy an important component of a staff working group.

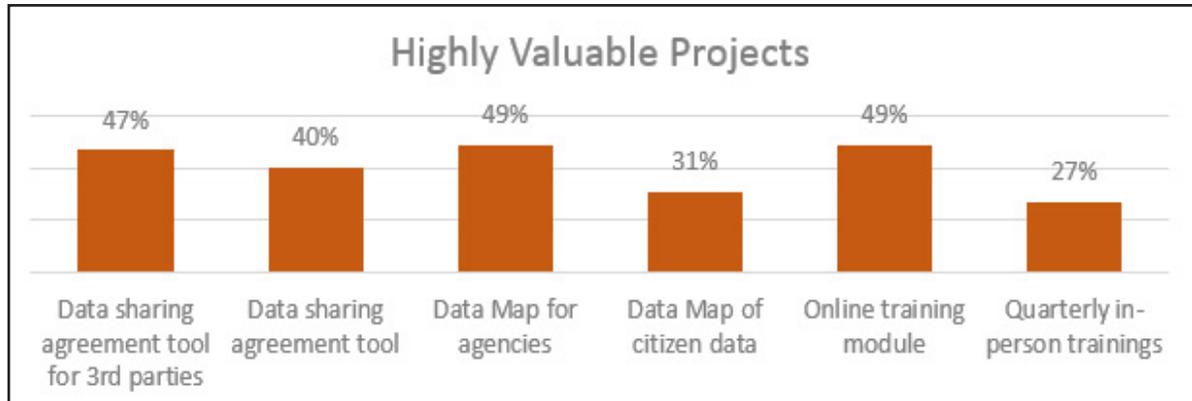


- Responses to the privacy questionnaire show that the majority of agencies echo common themes: They publish open data affirmatively, work with researchers through an Institutional Review Board process, and share private data with vendors or other agencies only under the terms of enforceable data sharing agreements.



*Institutional Review Board

- The survey asked agencies what kinds of projects would be highly valuable for their privacy and data management efforts. A large majority pointed to training opportunities for staff, tools for managing data sharing agreements and a “Data Map” to build awareness of the data resources around state government.



- Key partnerships with the [Open Data initiative](#) and the [Office of Cyber Security](#) have proven essential to advancing privacy and data protection in the state. Open Data helps agencies proactively publish the public data that citizens most want and need, and reduces the threat surface that is capably defended by the Office of Cyber Security and information security professionals statewide.

Recommendations and Plans

- Organize a state summit on Privacy in February of 2017, in collaboration with the University of Washington Tech Policy Lab, state, federal and local agencies.
- Connect and collaborate with international privacy experts and offices such as the [Information Privacy Commissioner](#) in British Columbia.
- Deliver regular in-person training sessions in Olympia for state and local employees, listed in state training records and available without charge to agencies and local governments.
- Expand training to include online learning options for those who can't make it to Olympia.
- Continue on-site training events and consumer outreach around the state, including rural and tribal communities.
- Develop tools to enhance responsible data sharing among agencies and with third parties.
- Complete the Privacy Modeling project supported by the Hewlett Foundation and open-source the tools and data we produce; promote Privacy Modeling to key audiences in state and local government, non-profits and the business community.

Performance Measures

We propose to use the following initial performance measures for our program:

Theme	Training	Outreach	Coverage	Privacy Modeling	Open Data	Broadband
Theory	With training, agency staff can improve the management of citizens' data	Citizen awareness will increase as more people and communities are exposed to in person and online outreach	Statewide awareness requires statewide appearances in trusted venues	Tools and policies developed by tech and legal thought leaders can spot privacy issues before they become liabilities or attractive targets	Affirmative publication of open data within existing resources requires planning at the agency level and statewide coordination	Broadband is local; communities that plan collaboratively for broadband stand a better chance of landing resources or seeing new deployment
Measure	Number of government employees trained	Impressions from events and publications	Number of communities where staff have presented	Utilization of the tool	Agencies planning for Open Data	Map of communities planning for broadband
Method	Sum of recorded attendance at OPDP training events	Sum of attendees at presentation events, plus sum of website visits, plus sum of estimated readers of earned media	Map of training, research or outreach event locations	Number of times the modeling tool is used (hits on results page)	Number of agencies with a published Open Data plan	Number of engagements with NTIA CCI tool, plus number of comprehensive plans addressing broadband, plus number of grant applications for federal funds from WA companies/communities
Frequency	Recorded monthly	Recorded monthly	Recorded monthly	Recorded monthly	Recorded quarterly	Recorded annually
Period	Reported annually	Reported annually	Reported annually	Reported monthly	Reported annually	Reported every 4 years
Type	Activity	Outcome	Outcome	Activity	Output	Output
Baseline	780	70000	6	100	20	3
Target	1425	85000	20	1000	30	6
Change	83%	21%	233%	900%	50%	100%



Office of Privacy & Data Protection

privacy.wa.gov

Chief Privacy Officer Washington State

Latest Initiatives (as of December 2016)

- **Privacy Assessment**
Report on the privacy practices and needs of state agencies
- **Privacy Modeling Online Tool**
Spots privacy & data issues at the design stage
- **Cellular Device Policy for State Agencies**
Currently under review
- **One-stop Shop Data Sharing Agreements**
An online registry for interagency data sharing

Recent Work

- **Unmanned Aircraft System Policy Group**
Developed drone use guidance for agencies
- **Privacy guide**
Published *Privacy—A Guide for Washington Citizens*
- **Training**
Provided in-person, on-site training for agency staff
- **Privacy & Security Summit**
- **Privacy.wa.gov**
Launched a citizens' privacy web page with news and tips

Authority

- Office of Privacy & Data Protection established by Executive Order 16-01
- Confirmed and expanded by SHB 2875 of the 2016 Legislature
- RCW 43.105.369 and 43.105.365

Find us in these Forums

- **Privacy Working Group**—Quarterly meeting of 40+ agency privacy advocates
- **ACCIS**—Association of County and City Information Specialists
- **IAPP**—International Association of Privacy Professionals
- **ICDPPC**—International Conference of Data Protection and Privacy Commissioners
- **University of Washington School of Law**—Tech Policy Law Clinic

Contact us at

privacy.wa.gov

The screenshot shows the website's header with the logo, navigation menu (HOME, PRIVACY GUIDE, TIPS AND TOOLS, NEWS, WHAT WE DO), and a search bar. The main content area features a banner with the text "Protect your privacy online" and "Educating Washington citizens on privacy in the digital age." Below the banner are two orange buttons: "Privacy Guide" and "Tips and Tools".



Office of Privacy & Data Protection

This document is available in alternative formats to accommodate persons with disabilities. Copies of this document can be obtained in alternative formats by calling (360) 407-8693.

