

# PRIVACY

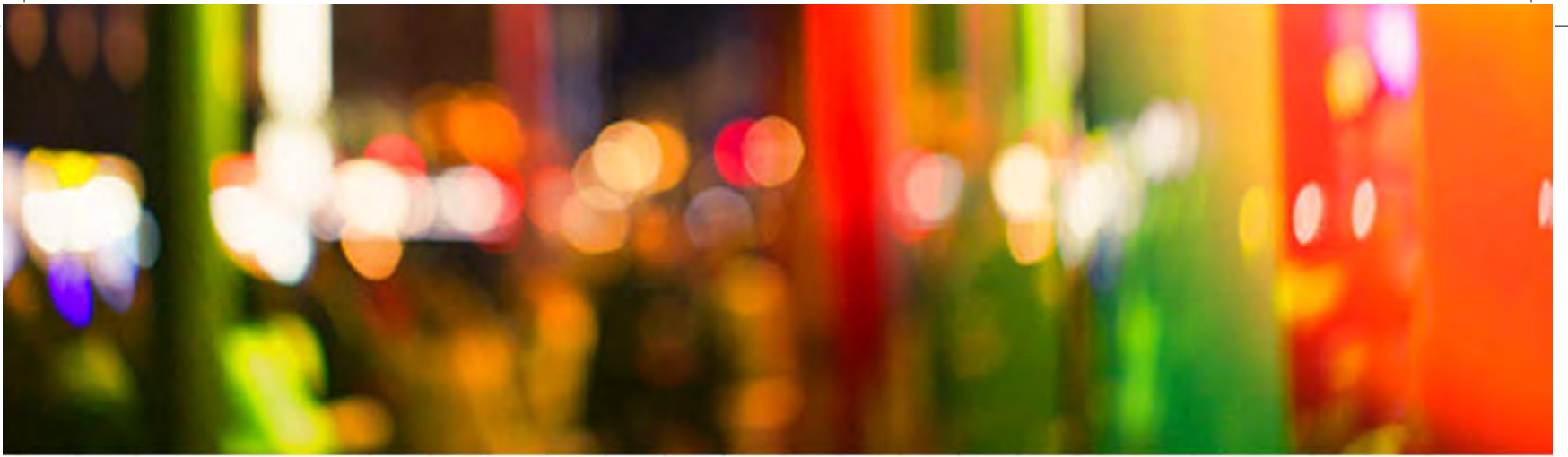
## ASSESSMENT REPORT

OCTOBER 2016



Office of Privacy  
& Data Protection





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# Introduction

In an effort to establish Washington State as a leader in forward-looking privacy practices, we are pleased to publish this Privacy Assessment Report.

Pursuant to the Legislature's creation of the Office of Privacy and Data Protection,<sup>1</sup> this report compiles and analyzes the privacy practices by those state agencies and programs who responded to our Privacy Questionnaire. With over 40 detailed responses, we believe our survey produced a valuable snapshot of certain agency protocols and habits regarding the protection of personal information of citizens provided by state citizens in the course of dealing with government.

This is a "first of its kind" report. Broadly, we sought to understand actual conditions with a view toward developing recommendations for state policy makers as to how Washington can be a leader in this field. While much lip service is paid to "best practices," this report quantifies privacy practices with the goal of developing efficient and economical results. We plan to refine our methodology and questions in future reports.

The Office of Privacy and Data Protection strives to be a valuable resource for our "customers" in state government. To that end, we would be happy to further discuss this report with policy makers, agencies, and others with an interest in protecting privacy and ensuring a high level of stewardship over the data entrusted to us.

Our office has initiated a number of important projects over the past six months relating to building a strong culture of privacy throughout Washington State:

- Our **Privacy Modeling** tool will help state and local governments design services and products to safeguard the treatment of personal information supplied by citizens.
- Our **Data Sharing** program will streamline data sharing practices between state agencies, cutting down the incidence of unauthorized sharing of citizen data.
- Our **Consumer Education and Outreach** program includes the revised version of [privacy.wa.gov](http://privacy.wa.gov), created to answer privacy protection questions of average consumers.

Please feel free to contact me directly regarding this report or other aspects of the work of the Office of Privacy and Data Protection.

Sincerely,

**Alex Alben**



**Alex Alben**  
Chief Privacy Officer  
Washington State

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<sup>1</sup> Substitute House Bill 2875, passed April 2016.



# KEY FINDINGS

The survey answers establish a valuable baseline to assess state needs relating to management of personal information. Agencies place a priority on maintaining data privacy. However, as expected, actual practices vary according to agency size and resources available to devote to management of privacy issues. When asked about their immediate needs, agencies indicate they want training, tools, and more state-level coordination. Other findings of note:

- ❖ 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.

# Exploring the Data

On average, agencies rated the protection of personal information as 7 out of 10 as an agency priority. It is important to note that agencies that experienced data breaches or viewed the data breaches of other agencies tended to prioritize personal information

higher. Also, agencies that rated the protection of personal information as lower typically did not work with large sets of personal information.

Privacy is a priority:  
the protection of personal  
information averages  
7 out of 10 as an agency  
priority

Seven out of ten agencies rated privacy as a priority

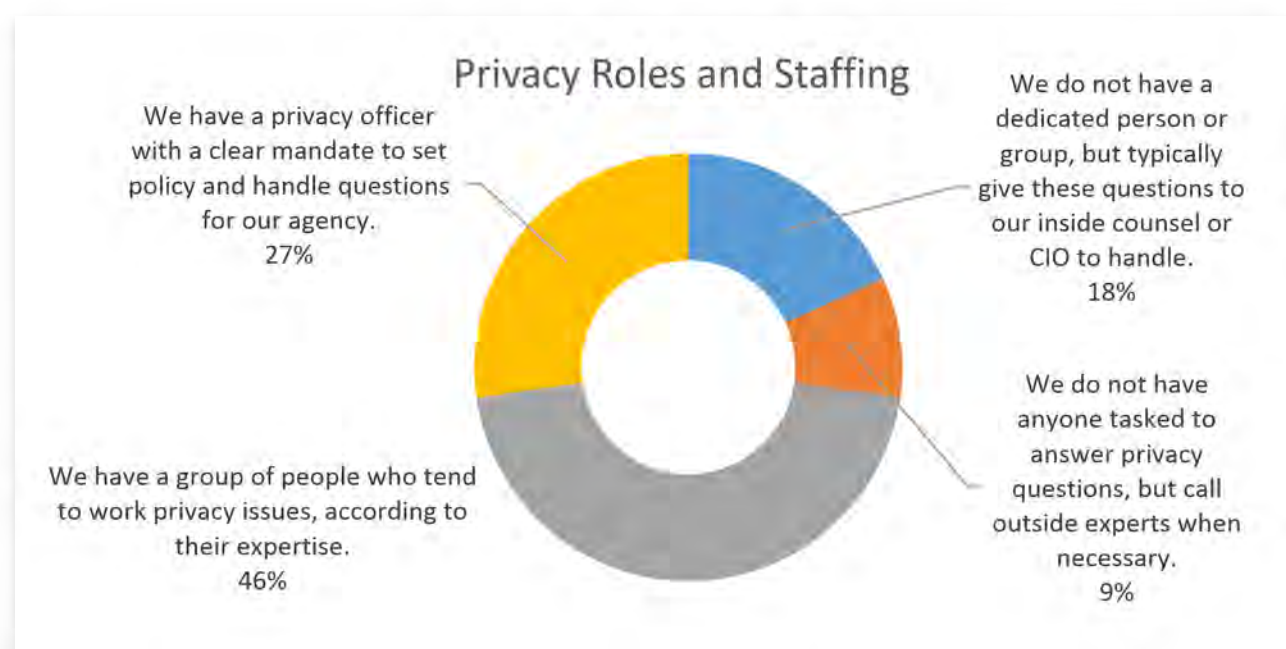
7/10



# Most agencies have a dedicated person or group assigned to work on privacy issues

While most agencies report that they have a group of people who handle privacy issues, only a minority of agencies have a privacy officer who specializes in privacy issues or coordinates privacy at an agency level. This finding will help the Office of Privacy and Data Protection target programs and agencies that need the most assistance in formulating and implementing privacy practices.

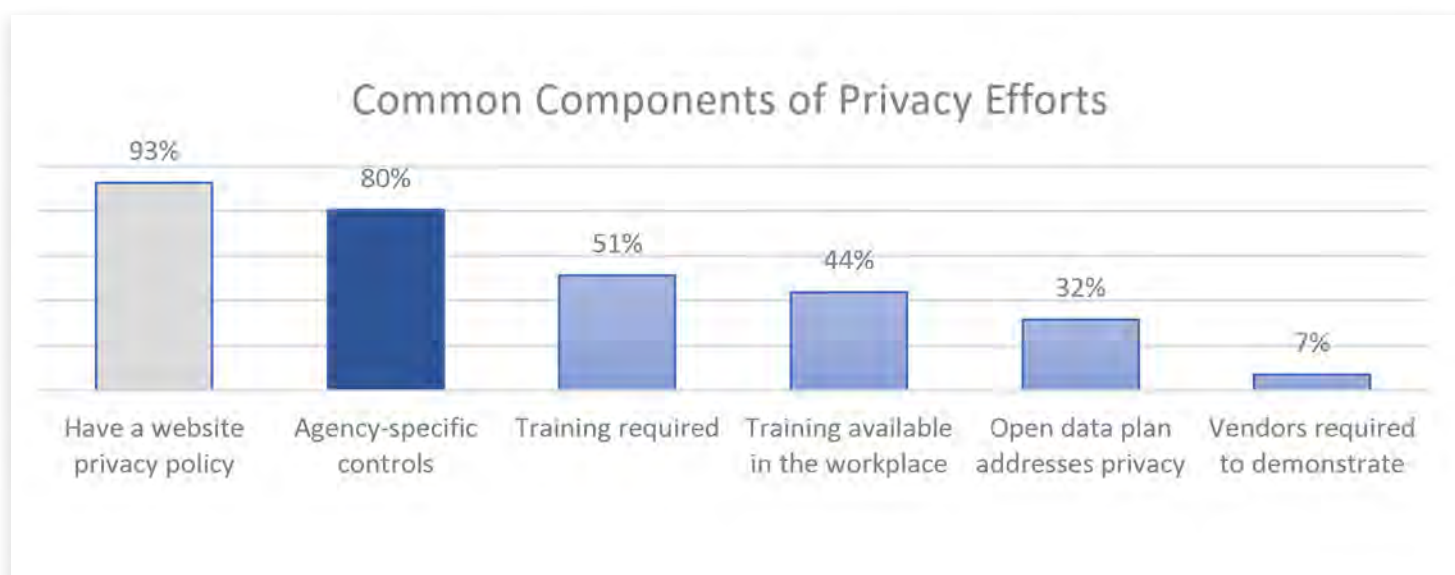
To adequately address the evolving nature of the privacy landscape, a growing number of agencies in Washington have made privacy an important component of a staff working group. This is a positive development that builds the community of privacy experts and is supported by Executive Order 16-01 and RCW 43.105.369.



# Agencies' privacy efforts have little in common beyond a website privacy policy

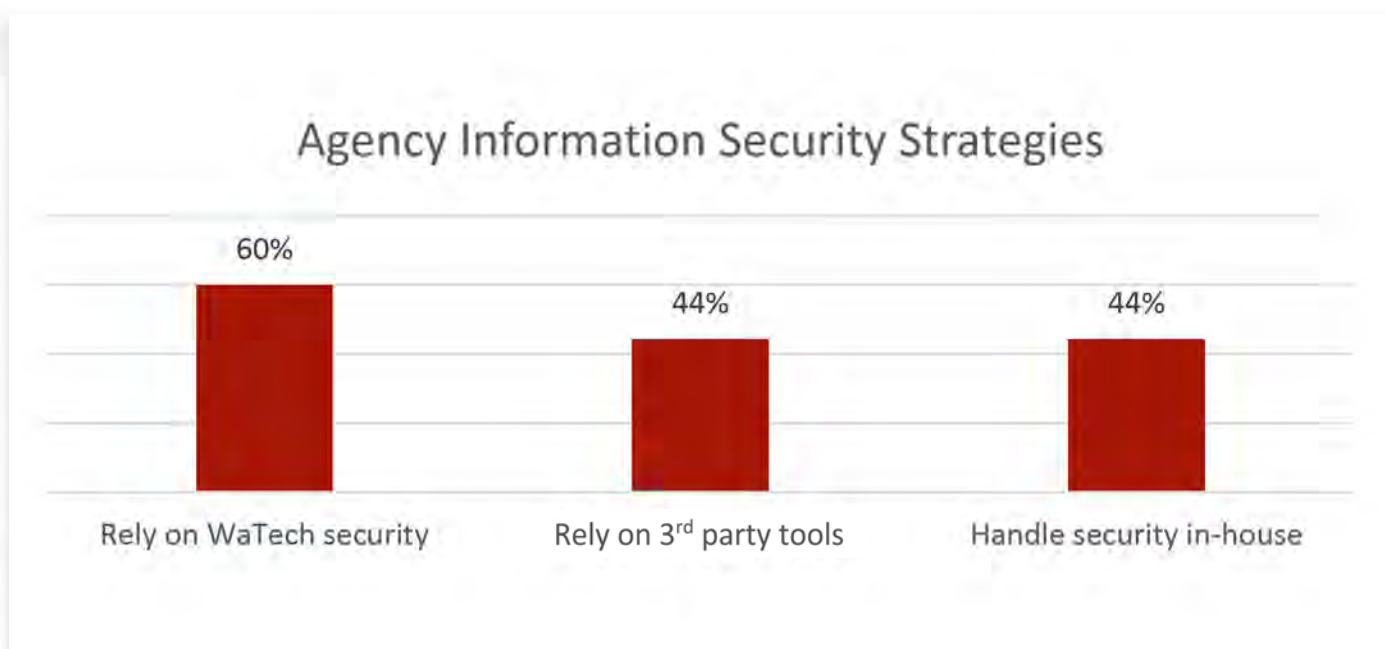
Beyond privacy policies, state agencies lack a common approach to developing “best” privacy protection practices. Instead, agency-specific policies and controls predominate.

While this makes sense for agencies with specific missions—especially those governed by federal privacy laws—our office wishes to identify common practices that we can roll out across state agencies to streamline data sharing and achieve uniform data protection.



# Most agencies rely on WaTech to provide security, but not exclusively

Agencies predominantly rely on Washington Technology Services (WaTech)\* to provide security for their IT infrastructures. However, agencies also look to third party services as well as in-house security services for IT security.



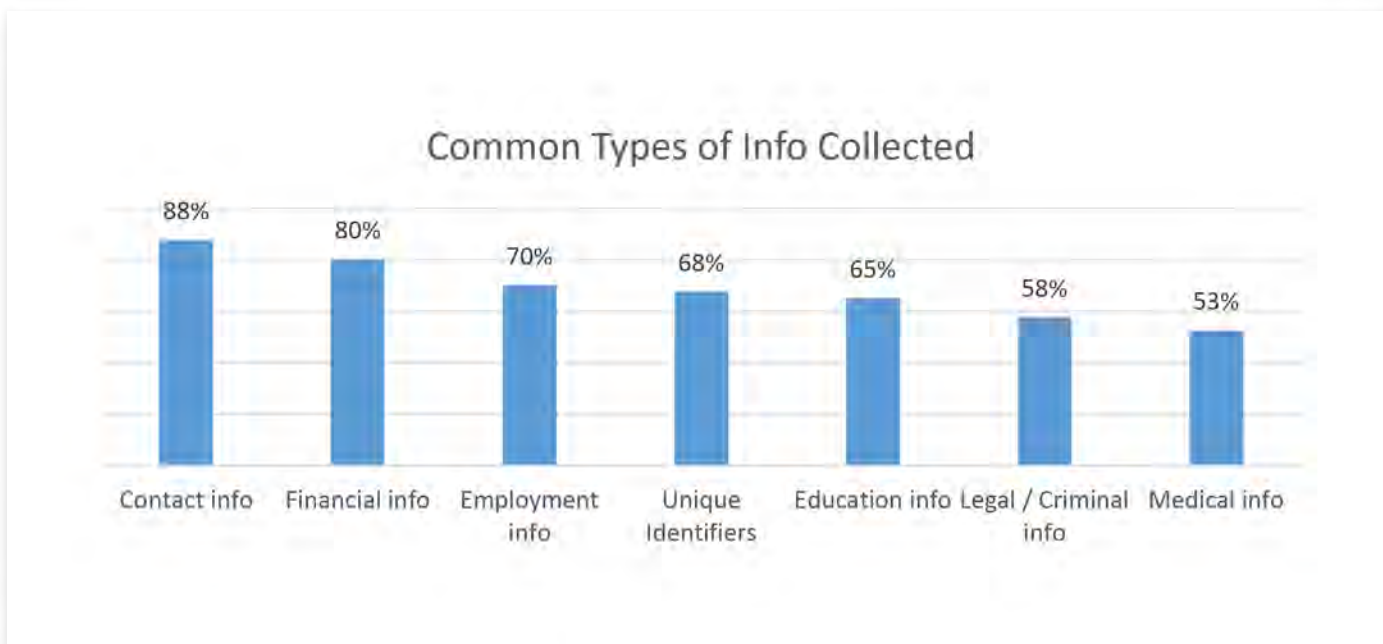
\*Washington Technology Solutions (WaTech) is officially known as Consolidated Technology Services

# Few agencies have experienced breaches in their data management systems within the past year

Data breaches, as defined by statute, are a major concern for government. Many agencies have invested time and effort in developing a protocol or plan for handling and surviving a data breach and most agencies have not had to deal with a breach in the past year. A few agencies report that they have had “near-miss” incidents, which can be valuable learning experiences. Data breaches may go unnoticed if there is a lack of security monitoring. We want to assess when near misses or data spills occur and encourage a culture of getting assistance to cure small lapses that do not rise to the level of statutory data breach.

# Agencies collect a range of information depending on their missions

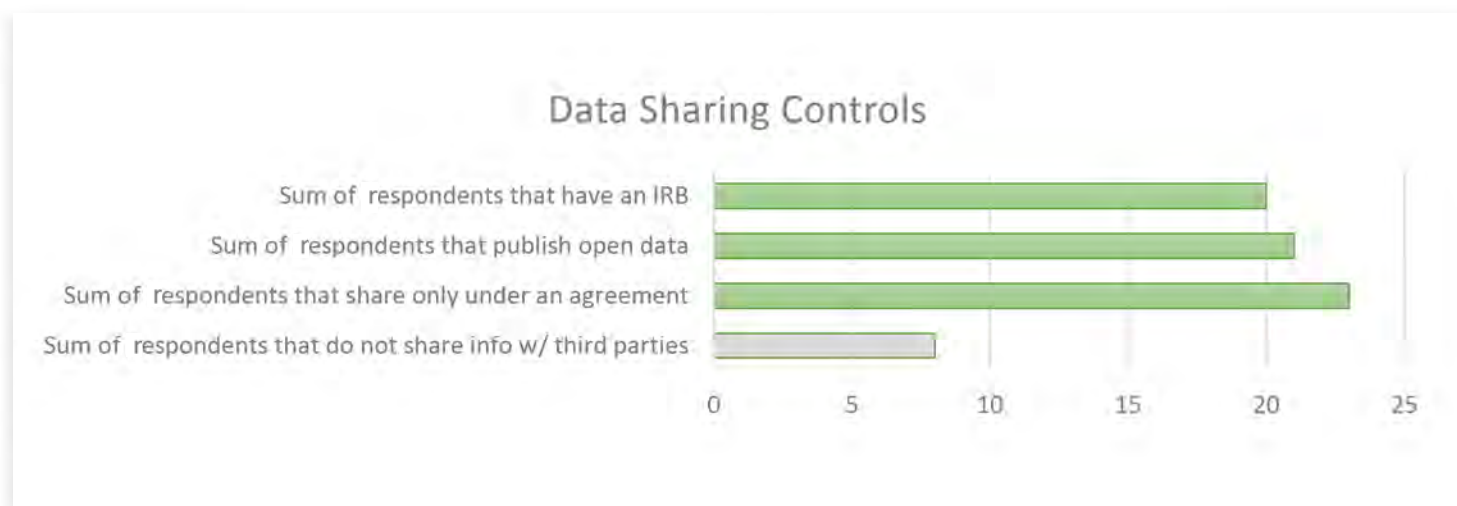
Agency missions and services vary, but the vast majority of respondents indicated that they collect some data across a moderate spectrum of sensitive categories or domains. Almost all agencies collect contact information for clients or stakeholders and data relating to legal matters. Employment and education are also common categories and a significant number of agencies report that they manage personal medical data as well.



# Agencies share private data by agreement; public data openly

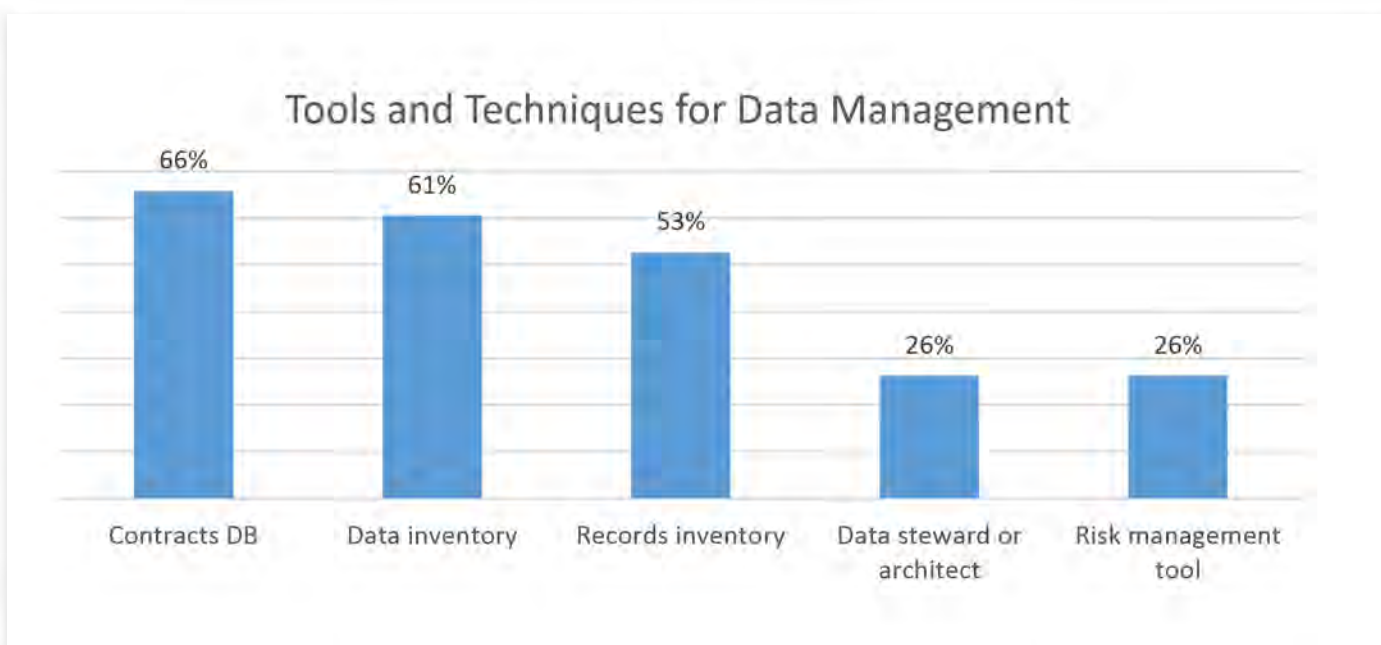
Agencies manage data shared outside their organization in various ways. Responses to the privacy questionnaire show that the majority of agencies echo common themes: They publish open data affirmatively, work with researchers through an Institutional Review Board (IRB) process and share private data with vendors or other agencies only under the terms of enforceable data sharing agreements.

Further analysis of these processes will help our office develop guidance, training and reporting in 2017.



# Agencies use multiple tools and techniques to manage data

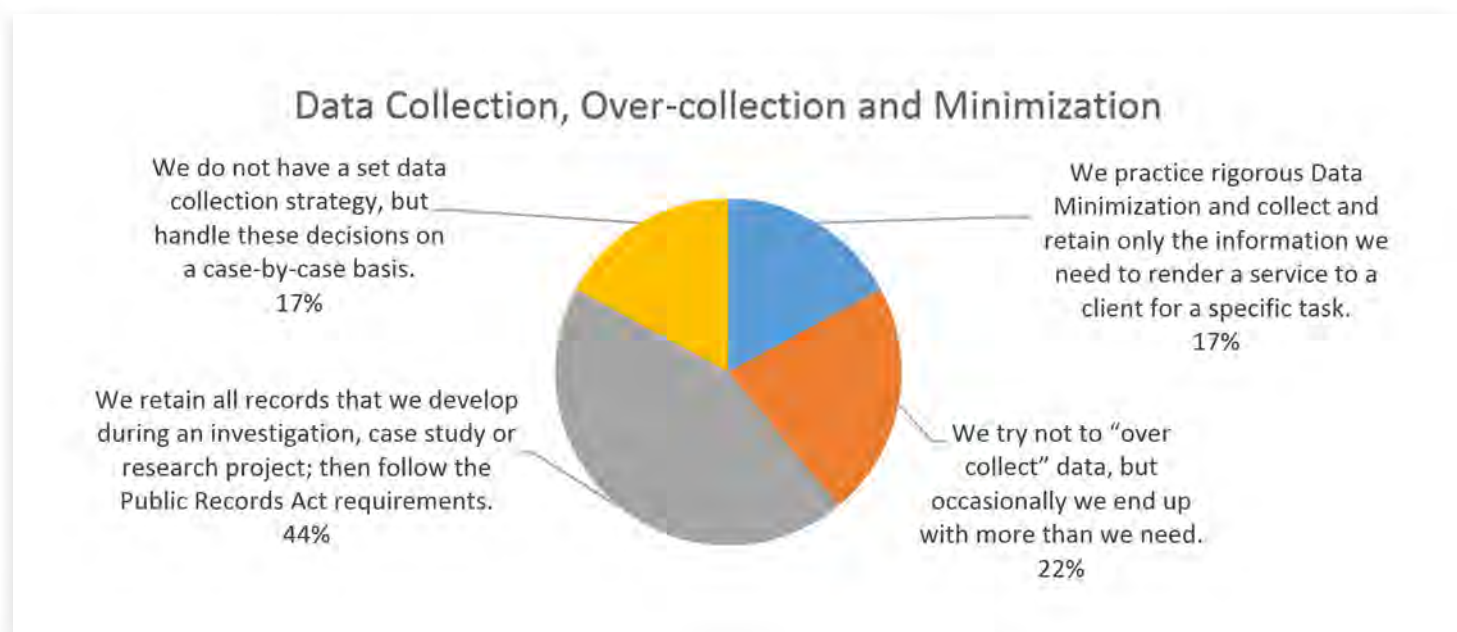
Agency data-sharing practices vary widely, with individual agencies maintaining different data sharing agreements and designing data offerings in-house. They employ diverse tools and techniques for managing data. Practices from records management, contracts and risk management are common, but agency-wide data inventories are used in a number of agencies. A small but significant number of agencies have professional staff positions dedicated to data stewardship or data architecture.



# Few agencies practice rigorous data minimization

Only a minority of agencies report that they actively attempt to minimize the amount of data they collect. The majority of agencies either keep all records they collect or report that they try not to “over-collect,” but occasionally end up with more data than needed.

The Office of Privacy and Data Protection advocates Data Minimization as a strategy for reducing the overhead of data management and diminishing the chance of misuse of data or data breach. Subject to the required compliance schedules of the Public Records Act, we wish to provide Data Minimization tools and help implement practices for those agencies who embrace this approach.



# Emphasis on privacy due to visibility of recent data breaches and the new hiring of privacy related staff have improved agencies' privacy posture.

Publicized data breaches draw attention to privacy practices. The presence of dedicated privacy staff also helps agencies improve their privacy focus.



The top resources that would help agencies' privacy protection include:

- 1) additional staffing/funding,
- 2) training, and
- 3) the sharing of privacy practices between agencies

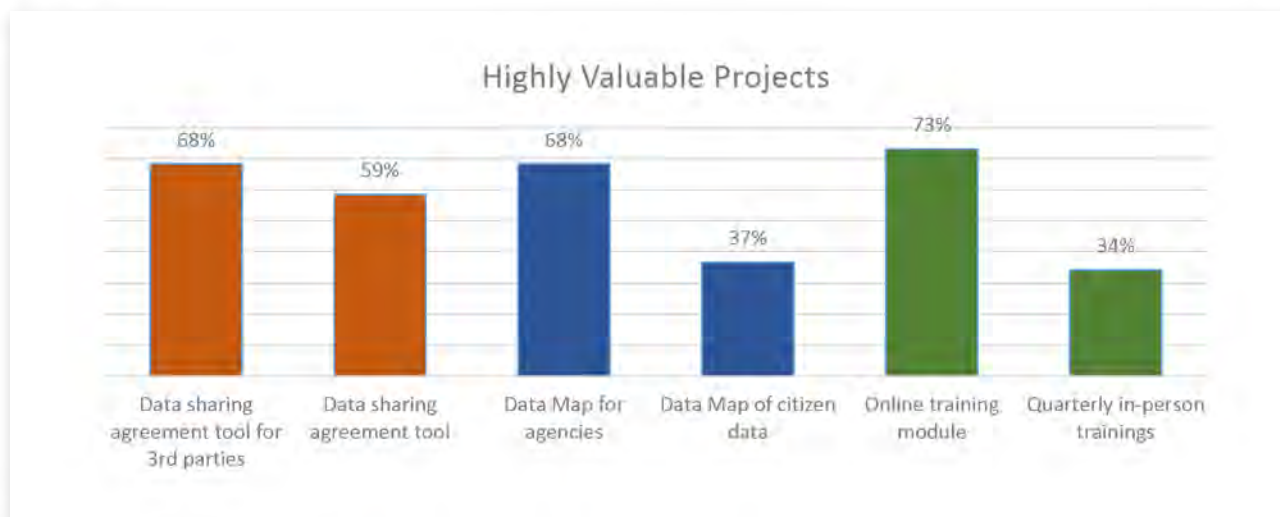
# Survey Responses

“We could benefit from more regular legal guidance, additional information, security resources, and a statewide privacy training program to complement the existing security awareness training.”

“There needs to be executive level coordination and assignment of resources at an agency level...”

## Agencies Value Data Sharing, Mapping and Training projects

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.



These recommendations will become part of the Privacy Office’s agenda for 2017.

# Conclusions



This is the first statewide assessment of privacy across agencies. We are part of a very small club of states that commit to privacy as a practice as well as a principle. This commitment is important for a knowledge-driven economy like Washington's.



Washington State's public institutions take seriously the protection of citizen privacy, rating it highly as a prerequisite for their strategies. They dedicate staff and resources to privacy protection, update their privacy policies even in the absence of strong mandates, support centralized network security services and are cautious about how and with whom any data is shared.



Agencies appreciate the difficulty of protecting privacy in an evolving world of accidental and intentional leaks. They balance this challenge with the state's commitment to transparency and open government by making privacy policy a component of progressive and sustainable open data initiatives.



Agencies are hoping and trusting that the measures we have in place are sufficient. They rely on a mix of centralized security, such as WaTech, and external partners to keep information assets safe.



Agencies seek resources, training and guidance to improve their privacy postures.

# Recommendations

## Training



The state should develop high-quality basic training and advanced seminar offerings for staff to incorporate privacy into the principles of government operations and program design.

We should enable collaborative and confidential examination by agency privacy staff of data spills and case studies as learning tools for continuous improvement.

The state should provide funds for a high-quality training program to be managed by the Office of Privacy and Data Protection in coordination with state agencies. State resources may be augmented through grants and partnerships. These training tools can also be offered to county and local governments.

## Sharing



The state should support the development of multi-agency tools for documented and accountable data sharing among agencies, vendors and the research community.

The state should support agency pilot projects to co-develop and implement shared practices with the Office of Privacy and Data Protection.

## Coordination



The state should facilitate an annual summit or symposium on privacy where best practices articulated by the Office of Privacy and Data Protection can be reviewed by experts, discussed by operations teams and implemented with improvements.

The state should encourage on-site meetings with local governments to ensure that privacy best practices are promoted throughout Washington.



# Office of Privacy & Data Protection

[privacy.wa.gov](http://privacy.wa.gov)

## Chief Privacy Officer Washington State

### Latest Initiatives (as of Fall 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 shares

### 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](http://privacy.wa.gov)**





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## ASSESSMENT REPORT

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### Methodology

The Office of Privacy & Data Protection surveyed Washington State agencies on: (1) current privacy practices, (2) agency data collection practices, (3) agency data management practices, and (4) areas for further privacy practice development.

We structured our questionnaire to broadly touch upon privacy practices that may vary across agencies.

The full text of the questionnaire is available at: <https://privacy.wa.gov/privacy-questionnaire>



**Office of Privacy  
& Data Protection**



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

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