

LEGISLATIVE REPORT

Confidentiality of ESD Records and Data

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Executive summary

The following report is in response to amendments made to ESB 5439 in 2019: specifically, the requirement that the agency must designate a privacy officer. In coordination with the state Office of Privacy and Data Protection, the ESD privacy officer must:

- Develop an agency personal information minimization policy to reduce the use and retention of personal information wherever possible.
- Create a work plan that includes the estimated costs of execution for (1) an inventory of all personal information prepared, owned, used or retained by ESD; and (2) a map of the location of all personal information collected.
- Report the work plan to the state Office of Privacy and Data Protection annually.

ESD must report to the Governor and the Legislature on the implementation and maintenance of the new provisions, including best practices and recommendations.

Overview

This report will include an overview of ESD's planned, phased approach to implementing the requirements of this bill.

Specific requirements of RCW [50.13.120](#)

- Designate an agency privacy officer to oversee the administration of this chapter and chapter [50A.25](#) RCW.
- Develop an agency personal information minimization policy to reduce the use and retention of personal information wherever possible.
- Create a work plan that includes the estimated costs of execution for the following:
 - An inventory of all personal information prepared, owned, used, or retained by ESD that would include the specific type of information, the purpose for its collection and the extent to which the information is protected from unauthorized access.
 - A map of the physical or digital location of all personal information collected by ESD, indexed to the inventory created.
- Report the work plan created under (b) of this subsection to the state Office of Privacy and Data Protection annually.

Implementation & planning

Work completed 2019-2021

Following the amendment to ESB 5439 in 2019, ESD hired a Chief Data Privacy Officer (CDPO) and created the Office of Privacy, Records & Data Sharing. Some of the foundational work began during late 2019. However, this work was temporarily put on hold due to the agency's response work during COVID-19, the data breach that occurred at the State Auditor's Office and subsequent fraud attacks by international crime rings.

In June 2021, a new CDPO was hired and began outlining an implementation response and work plan.

Timeline	Objective
Complete	CDPO hired to oversee the administration of RCW 50.13.120 and RCW 50A.25
Complete	A Request for Quote and Qualifications (RFQQ) was submitted on Washington Electronic Business Solution (WEBS) in August 2021 (PDF Attachment: RFQQ 2021)
In progress Estimated completion: March 2022	Minimal Use Policy, currently under construction (PDF Attachment: DRAFT DMP)

Work plan 2021-2023

The objective of this work plan is to outline how the data inventory, data map and subsequent training will be created.

Data inventory

ESD will procure a consulting firm to assist with completing a full, agency-wide data inventory, thereby utilizing advanced data discovery through automated scanning and application programming interface (API) integrations. In August 2021, the agency submitted a Request for Quotes and Qualifications (RFQQ) via Washington Electronic Business Solution (WEBS). Depending on the catalog of services available, ESD may also use the acquired firm to build a data map and help the agency build a framework for Data Governance.

- Specifically, the agency shall create an inventory of all personal information prepared, owned, used or retained by ESD to include precise type of data, purpose for its collection, legal requirements for its use, and the extent the information is protected from unauthorized access.

Estimated cost: Currently unknown – awaiting response from the Request for Quotes and Qualifications.

Data map

ESD intends for the procured consultant firm to utilize information, gained through the creation of the data inventory, to create an ESD data map. The agency data map should include:

1. A map of the physical and digital location of all personal information collected by ESD, indexed to the data inventory.
2. The full data lifecycle for ESD data, including creation or collection, processing, dissemination, use, storage and disposition, to include destruction and deletion.

The desired output is an ESD data inventory and internal processes. This will allow the agency to identify data location and storage information at the level of an individual data subject.

Estimated cost: Currently unknown – awaiting response from the RFQQ.

Training

ESD will utilize the Minimal Use (ESD Privacy Policy) to create an internal all-agency training. This will be a required, annual training and included in the new-hire training catalog.

Estimated cost: No anticipated cost, as the agency will utilize internal training resources.

Timeline	Objective
In progress Estimated completion: June 2022	Consulting firm acquisition: Select a firm from responses to the Request for Quotes & Qualifications; currently awaiting response report and firm services summary.
Pending Estimated completion: March 2023	Data inventory creation: Pending the selected firm's timeline to interview completion, ESD will utilize collected data to produce a complete data inventory catalog.
Pending Estimated completion: July 2023	Data map creation: Pending the selected firm's timeline, ESD will create a complete data map.
Pending Estimated completion: March 2024	Agency training: ESD will create a comprehensive data privacy training, to include the minimal use policy.

Summary

The timelines provided in this report are estimates based on our initial assessment of the work required for each specific phase. ESD may adjust timelines based on the acquired firm's timeline for completion of this work. As much of the preliminary planning work is underway, ESD's 2023 report is anticipated to include a summary of work completed, associated costs and a plan to ensure the data inventory and map are current and integrated into ESD's ongoing internal processes.

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