

LEGISLATIVE REPORT

Confidentiality of Employment Security Department Records and Data

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Contact

Emily Kok

Chief Data Privacy Officer

Emily.Kok@esd.wa.gov | 360-280-8950

Learn more at esd.wa.gov

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Executive summary

In 2019, the Legislature directed the Employment Security Department (Employment Security) to report to the governor and Legislature on the implementation and maintenance of Title 50.13 RCW¹. Employment Security 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 to create:
 - An inventory of all personal information prepared, owned, used or retained by Employment Security.
 - A map of the physical or digital location of all personal information collected by Employment Security, indexed to the inventory created.
- Report the plan each year to the state Office of Privacy and Data Protection.
- Report biannually (every odd-numbered year) to the governor and the Legislature on the implementation and maintenance of the new provisions, including best practices and recommendations.

¹ [Engrossed Senate Bill 5439, ch. 81, Laws of 2019.](#)

Overview

This report includes an overview of Employment Security's planned, phased approach to implementing the requirements of [RCW 50.13.120](#).

Specific statutory requirements

Employment Security shall:

- 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 executing:
 - An inventory of all personal information prepared, owned, used, or retained by Employment Security 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 Employment Security, indexed to the inventory created.
- Report the work plan created under RCW 50.13.120(b) to the state Office of Privacy and Data Protection annually.

Implementation & planning

Work completed

Employment Security appointed a permanent Chief Data Privacy Officer to administer RCW [50.13.120](#) and RCW [50A.25](#) and created the Office of Privacy, Records & Data Sharing. Additionally, Employment Security's commitment to responsible data usage and security was solidified when it published a Privacy Policy. This policy provides clear and transparent guidelines that emphasize Employment Security's dedication to responsible data handling and protection.

Employment Security adopted a strategic plan that calls for the department to “define a strategy and make progress on improvements to data management.” This plan includes building and maintaining an agencywide data inventory and advancing the agency’s data maturity model.

Additionally, Employment Security has established and continues to enhance safeguards for sensitive data by maintaining an internal data loss prevention team and implementing comprehensive security procedures. This proactive approach strengthens the department’s defenses against unauthorized access and helps ensure the department protects sensitive information.

Employment Security is working to meet the data mapping and data inventory requirements by using its application catalog as a resource. The application catalog captures many of the key elements necessary to satisfy these requirements including:

- Application programming interface (API) flow direction.
- Databases.
- Server details.
- Estimated user volumes.
- Authentication methods.

The application catalog also documents the data categories contained within each application, providing a structured view of how Employment Security manages and safeguards information. Employment Security regularly updates the application catalog, which aligns closely with the intent of data mapping by offering visibility into data flows, systems and controls. This positions the agency well toward meeting compliance requirements.

Employment Security’s data sharing office incorporates many of the essential components of a data inventory and map. While managing data sharing, Employment Security documents the types of data involved, the purposes for which the data is used and the legal and regulatory requirements that govern its use. Staff identify applicable protection requirements and account for key life cycle elements, including processing, dissemination, use, storage and ultimately disposition.

Work plan

Employment Security is developing a plan that itemizes data and produces a data map, as well as creates training on these issues.

Employment Security is developing a formal data inventory and data map to ensure the agency meets data governance requirements. As part of this effort, the agency is investigating options for a comprehensive, structured and sustainable approach, that it can regularly update to reflect changes in systems, applications and data practices. This will better show how Employment Security collects, uses, protects and disposes of data, supporting both compliance and risk management objectives.

Additionally, Employment Security will continue to use established resources that already collect many key elements of a data map and inventory. These include data-loss prevention work, data-sharing agreements, privacy threshold and impact analysis for new technology and application inventory, which documents system information, authentication methods, specific types of data involved, classification of data, and other related detail. Together these resources provide a strong foundation as the agency moves toward a formalized solution.

This plan is pivotal to strengthen the agency's data management practices. It will play a crucial role to ensure Employment Security is prepared to meet evolving data-related challenges and opportunities in the future. To carry out this work, Employment Security will analyze internal resources and a new vendor through a Request for Information (RFI). This vendor specializes in data inventory and mapping. Employment Security will evaluate internal work to determine if a non-permanent Employment Security employee may complete this work. Once Employment Security completes both assessments, it will select the most comprehensive and feasible approach.

While a comprehensive data map and inventory from a vendor would provide significant value, financial constraints may limit Employment Security's ability to move forward with such an investment in the near term.

Data inventory

Employment Security will complete a full, agency-wide data inventory using automated scanning and API integrations. The agency will create an inventory of all sensitive information prepared, owned, used or retained by Employment Security. This includes the:

- Precise type of data.
- Purpose for its collection
- Legal requirements for its use
- Extent the information is protected from unauthorized access.

Data map

Employment Security intends for the designated project resource to use information it gets from the data inventory to create a data map. The agency data map will include:

- A map of the physical and digital location of all personal information collected by Employment Security, indexed to the data inventory.
- The full data lifecycle for Employment Security data, including creation or collection, processing, dissemination, use, storage and disposition. Disposition includes destruction and deletion.

The desired outcome is an Employment Security data inventory and strong internal processes for managing data. This will allow the agency to identify data location and data storage information at an individual data subject level.

Data inventory and data map estimated costs

Estimated cost	Work plan option
\$232,000-\$478,000	Contracted vendor support The vendor will complete the data inventory and mapping. This number may represent the full cost to Employment Security if the agency is able to extract all elements required by the associated statute.
\$472,000	Create a non-permanent Employment Security project leader position Inventory, mapping, indexing, and data lifecycle work to be completed by a 24-month, non-permanent Employment Security project manager.

Training

Employment Security will create an internal all-agency privacy training customized to its specific and unique data. This will be a required, annual training and will be included in the new-hire training catalog. Until this customized training is developed, Employment Security will utilize the state Office of Privacy's statewide privacy training.

Estimated cost	Work plan option
None	There are no anticipated costs. The agency will utilize internal training resources for foundational privacy training.

Estimated cost	Work plan option
Unknown	Depending on how advanced privacy, data stewardship, and records training needs may become, there may be a need to supplement internal Employment Security resources for necessary training materials.