

Washington State Privacy

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Washington State

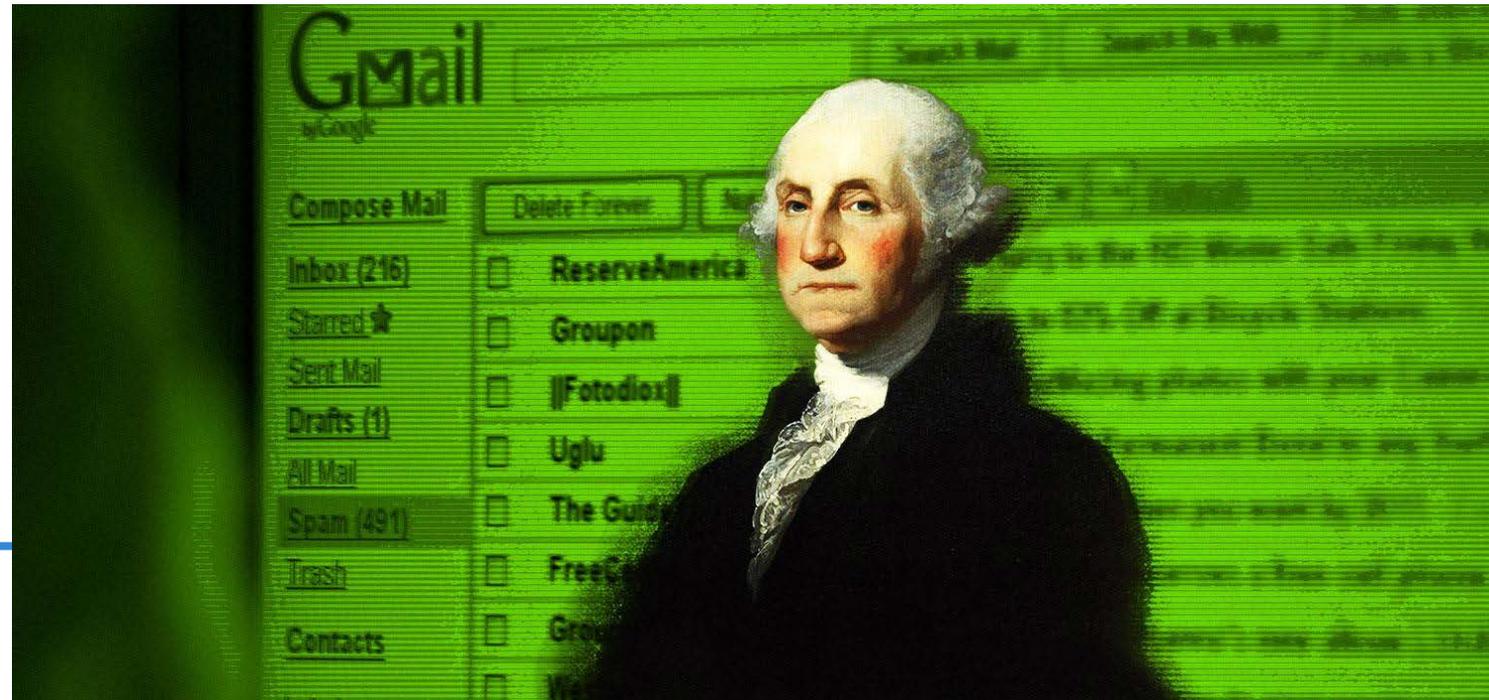


"the consolidated technology services agency -RCW 43.105.006"



Washington State Has A CPO!

- Alex Alben-- Background in law, technology and public policy
- Senior management at Internet firms-- Starwave and RealNetworks
- Writes about media and technology, "Analog Days"



Creation of the Office

Executive Order by Governor Inslee, issued January of 2016
(EO 16-01)

House and Senate pass SHB 2875, creating the “Office of Privacy and Data Protection”)

Signed by Governor Inslee in April of 2016.

The Office of Privacy and Data Protection- Main Duties:

- Examine new technologies
- Resource for state agencies
- Privacy Training
- Consumer Education and Outreach
- Annual Privacy Review
- Coordinate with OCIO on security
- Promote Best Practices
- Study Broadband Access
- Privacy.wa.gov

[View the Privacy Guide](#)



Privacy in Washington State

- Public Records Act
- Eight Exemptions
- Open Data initiative
- Data Breach Law



Federal Statutes

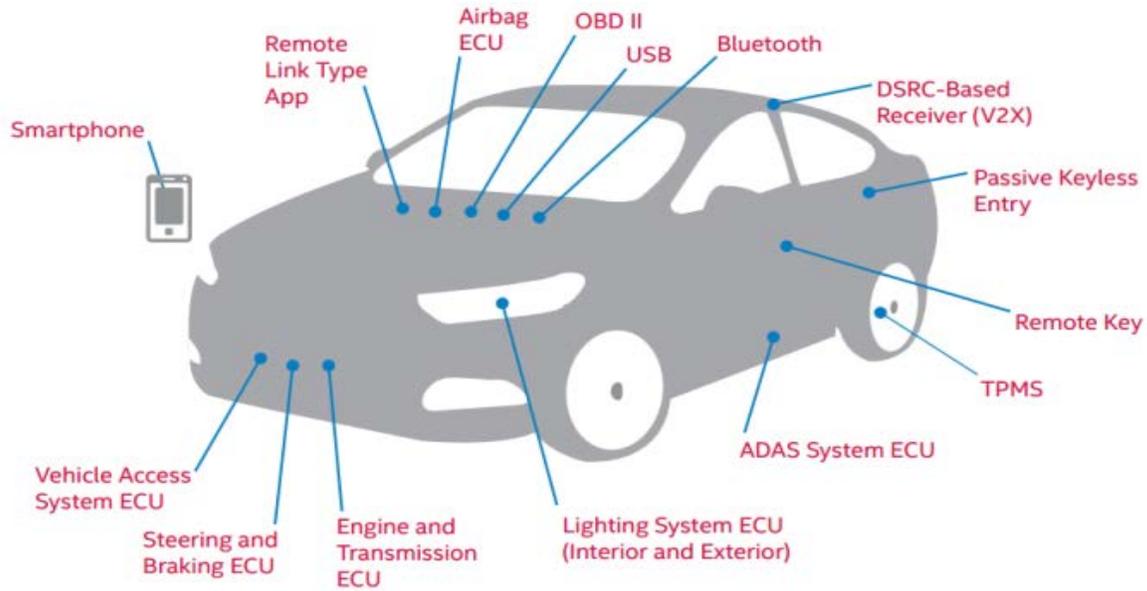
- Public Records (Privacy Act of 1974)
- Student Records (FERPA- 1974)
- Health Care Privacy (HIPAA-- 1996)
- Children's Online Privacy Protection (COPPA - 1998)
- FTC Authority- "Deceptive Practice"
- FCC Authority- Misappropriation of personal information

Enforcement Authorities

- State Attorney General– Consumer Protection Act first passed in 1961.
- Federal Trade Commission– what is “deceptive” or an “unfair practice?”
- Federal Communications Commission– Under Net Neutrality, jurisdiction to regulate ISP’s under Title II of the Telecommunications Act of 1934



Impact of new technologies



- Biometrics
- Body cameras
- Smart meters
- Fitness Monitors
- Drones





Washington State

Investment in Security vs. Investment in Privacy



VS.



New Privacy Strategies

- Data Minimization
- Building a Culture of Privacy
- Privacy By Design



Data Minimization

- Collection limitation - collect only what is *directly relevant and necessary to accomplish a specified purpose*.
- Interagency sharing - minimize the information disclosed.
- Data retention - retain the data only for as long as is necessary to fulfill purpose or as required by law.



Building a Culture

- Transparency—what is “easily understandable?”
- Respect for Context—used in ways consistent with situation/reason for providing in the first place
- Security—what is “reasonable security?”
- Access and Accuracy—proportional to sensitivity of data and risk of bad data
- Focused Collection—reasonable limits on data collected
- Accountability—enforcement mechanism

Case Study #1

- Georgia Data Breach
- 6 million names
- Clerical “error”



A disc containing voter information that was returned by The Atlanta Journal-Constitution to the Georgia Secretary of State's Office on Wednesday. Two Georgia women have filed a class action lawsuit alleging a massive data breach by Secretary of State Brian Kemp involving the Social Security numbers and other private information of more than six million voters statewide. J. Scott Trubey/Staff strubey@ajc.com

Case Study #2

- University of Washington Medical Center
- Non-Compliance with HIPAA
- \$750,000 fine by OCR
- 90,000 patient names and billing records released after employee downloaded “malicious malware”



“UWM did not ensure that all of its affiliated entities were properly conducting risk assessments and appropriately responding to the potential risks and vulnerabilities in their respective environments.” 12/14/15

Case Study #3

- Is this an HR issue?



The Seattle Times

Health ▾

Health | Local News

91,000 state Medicaid clients warned of data breach

Originally published February 9, 2016 at 2:50 pm | Updated February 9, 2016 at 7:28 pm

Two state employees, a sister and brother, apparently exchanged emails for nearly two years that contained private health information from Medicaid clients, said a Health Care Authority risk manager.



What is “Privacy by Design?”



- Privacy as a key consideration in the early stages of any project, and then throughout its lifecycle
- Respect for Data Compliance
- How to build “privacy inside” into every product.



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Thanks for Listening . . .