

Washington's Consolidated Technology Services Agency

Privacy Considerations for Project Managers & Incorporating Privacy into Agile Methodology

IT Project Management Community of Practice Katy Ruckle, State Chief Privacy Officer May 23, 2022

Background – path to privacy

- Admitted to WSBA 2005
- Started with state in 2006
- Contracts/procurement
- Healthcare & DSHS







Overview of Today's Presentation



- I. What is privacy?
- II. How do we implement privacy?
- III. When does privacy need to be at the table?
- IV. What will privacy do?



What is privacy?

Office of Privacy and Data Protection

What is Privacy?





Communications Privacy

Territorial Privacy

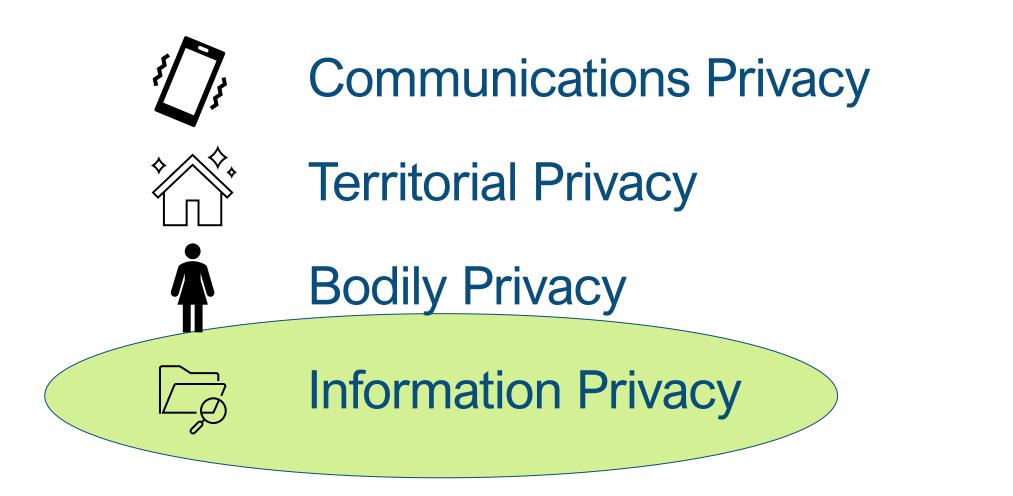
Bodily Privacy



Information Privacy

What is Privacy?







Laws & Regulations

Privacy Principles

Privacy Frameworks

Maturity Models

Effective Privacy and Data Protection



Office of Privacy and Data Protection (OPDP)

- Executive Order 16-01
- RCW 43.105.369
- Statutory creation of the Office of Privacy and Data Protection
- Position of State Chief Privacy Officer created in RCW

OPDP Duties in Law

- Serve as a central point-of-contact for state agencies on policy matters involving data privacy and data protection
- Serve as a resource to local governments and the public on data privacy and protection concerns
- Conduct an annual state privacy review
- Conduct an annual privacy training for state agencies and employees
- Articulate privacy principles and best practices

- Coordinate data protection in cooperation with state agencies
- Review of major state agency projects involving PII
- Promote best practices for the collection and storage of PII
- Educate consumers about the use of PII on mobile and digital networks
- Legislative Reports on Metrics





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Washington State Agency Privacy Principles

- Lawful, fair, & responsible use
- Data minimization
- Purpose Limitation
- Transparency & accountability
- Due diligence
- Individual participation
- Security

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Washington's Consolidated Technology Services Agence

Security participation Individual Washington **State Privacy Principles** Due diligence PUTOSeor Transparency & accountability

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Washington State Agency Privacy Principles

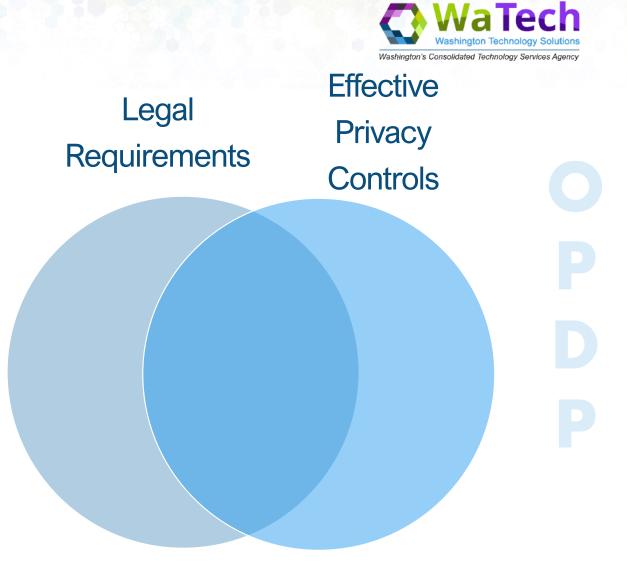
- Lawful, fair, & responsible use
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Laws and Regulations

Gaps may exist where laws:

- Do not establish strong enough protections to meet people's expectations
- Do not keep pace with changes in technology and business practices
- Do not account for an organization's specific mission or cultural context





How do we implement privacy?



Threshold Question



Does the project "process" personal data?

Does the project "process" personal data?

Process means:

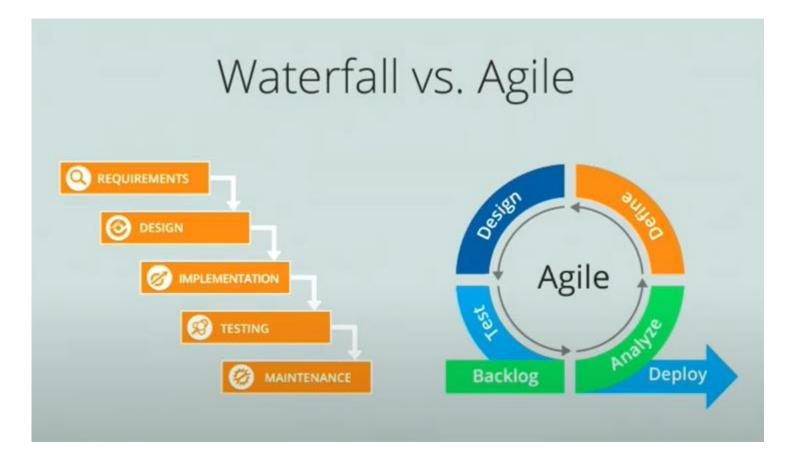
- any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the
 - collection
 - use
 - storage
 - disclosure
 - analysis
 - deletion
 - modification of personal data





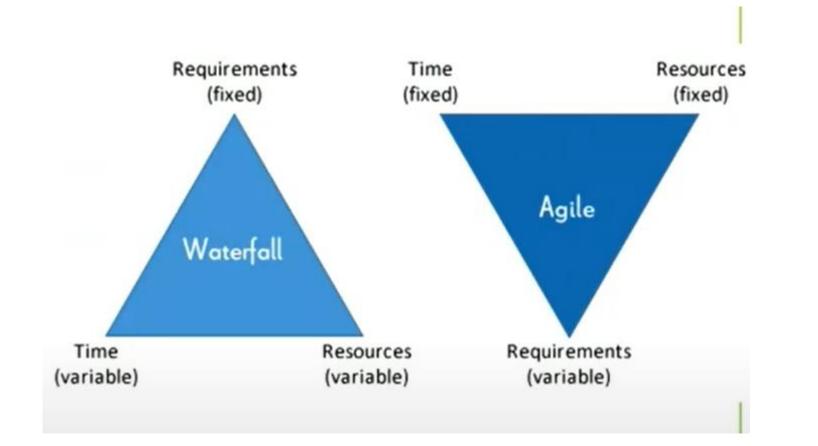
Incorporating Privacy





Incorporating Privacy





To deal with these challenges – you need to classify* the data

Data Classification:

- Category 4 Confidential Information requiring special handling
- Category 3 Confidential
- Category 2 Sensitive
- Category 1 Public

* OCIO 141.10 4.1

Example Category:

- Healthcare data protected by HIPAA
- Government identifier
- Operational information
- Public information

Example Data Set:

Medical diagnosis

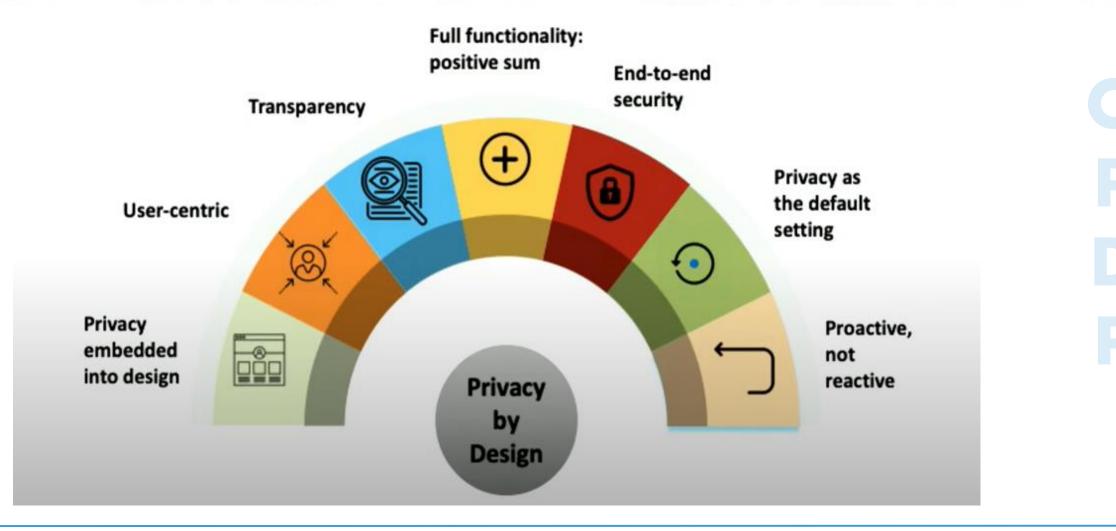
- Driver's License
- Internal emails
- Agency websites

Office of Privacy and Data Protection



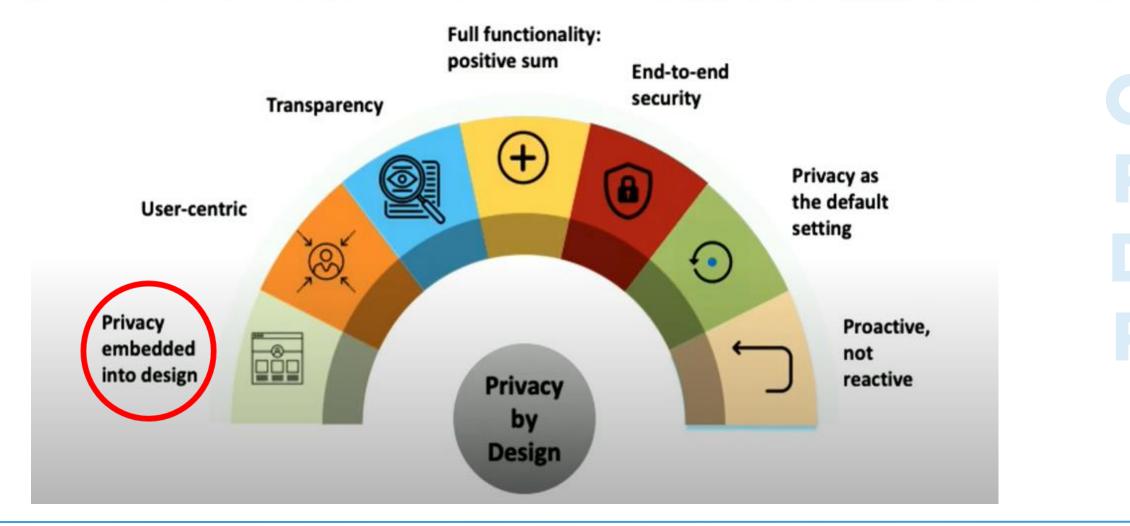


Privacy-by-Design Principles



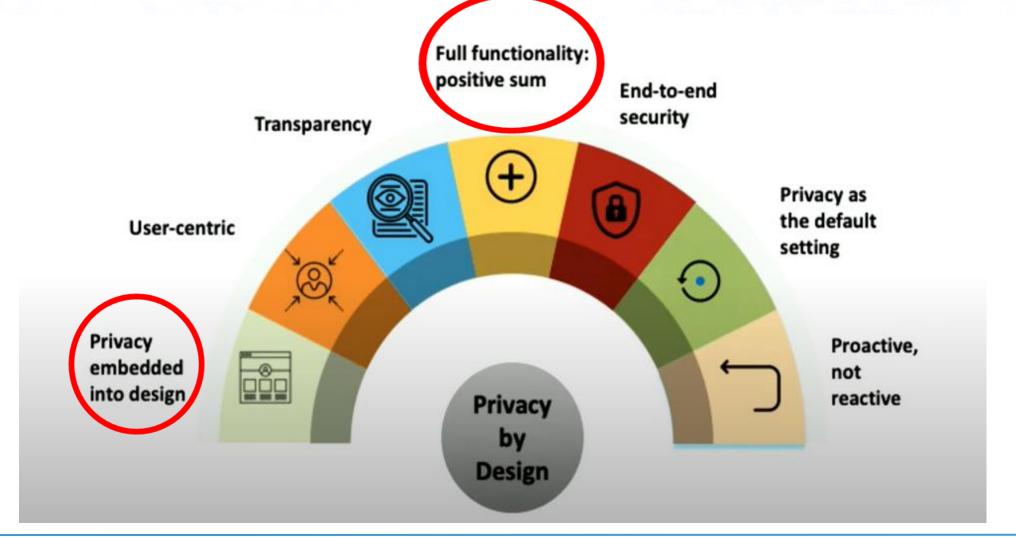


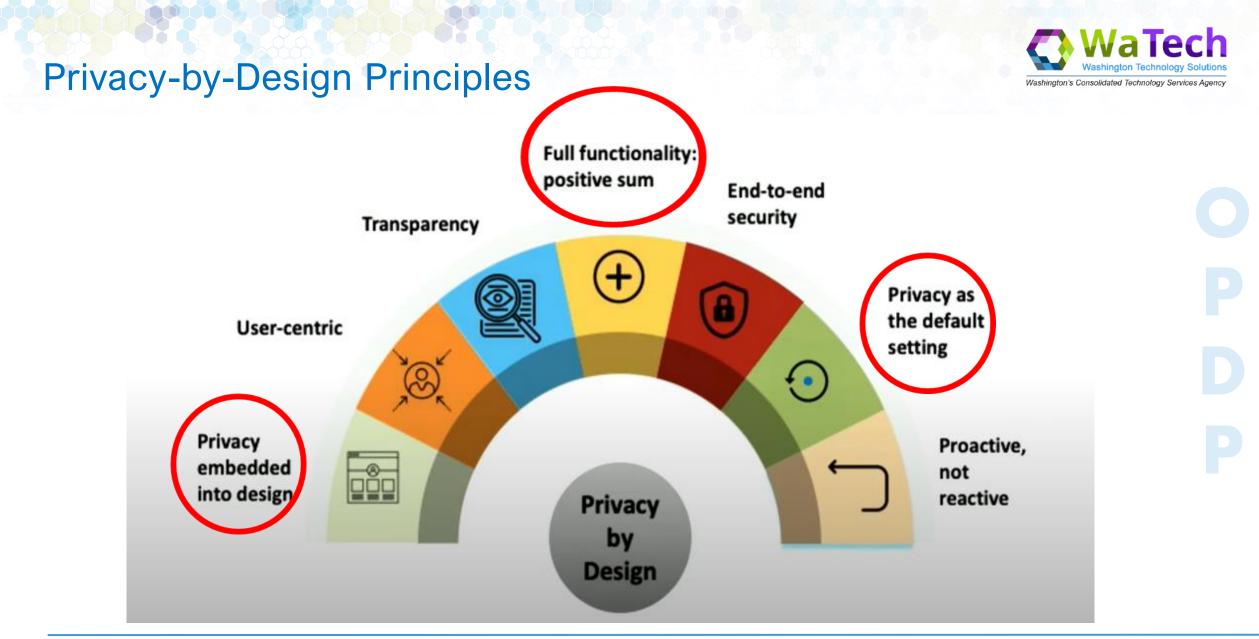
Privacy-by-Design Principles

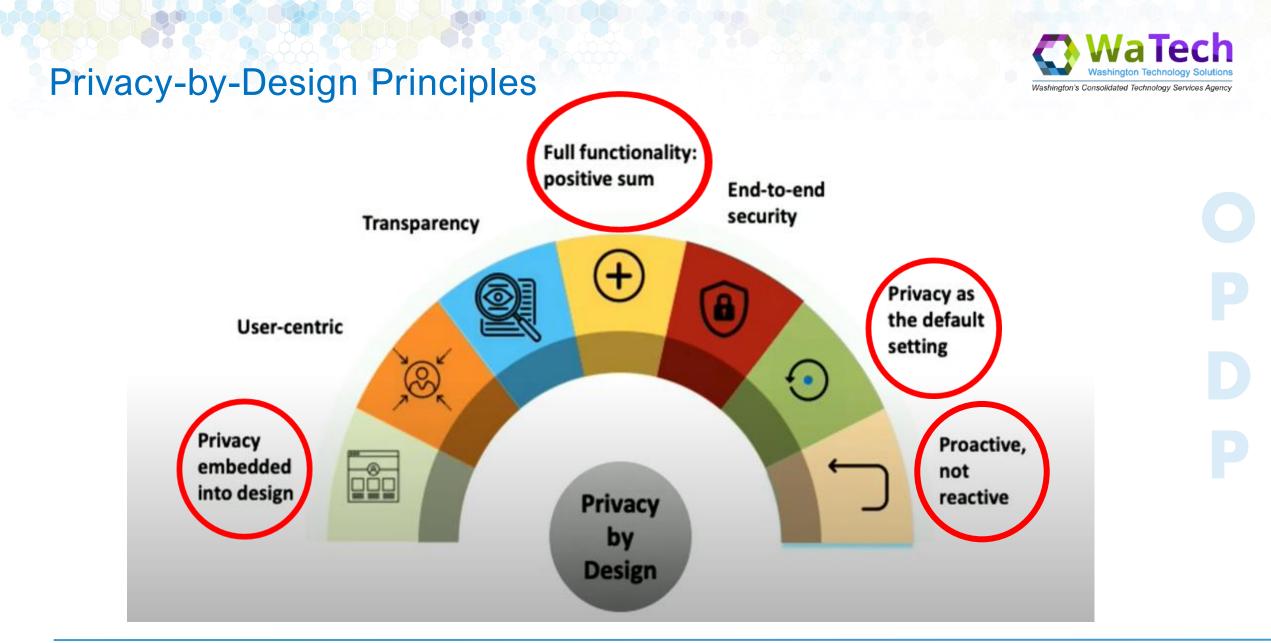




Privacy-by-Design Principles









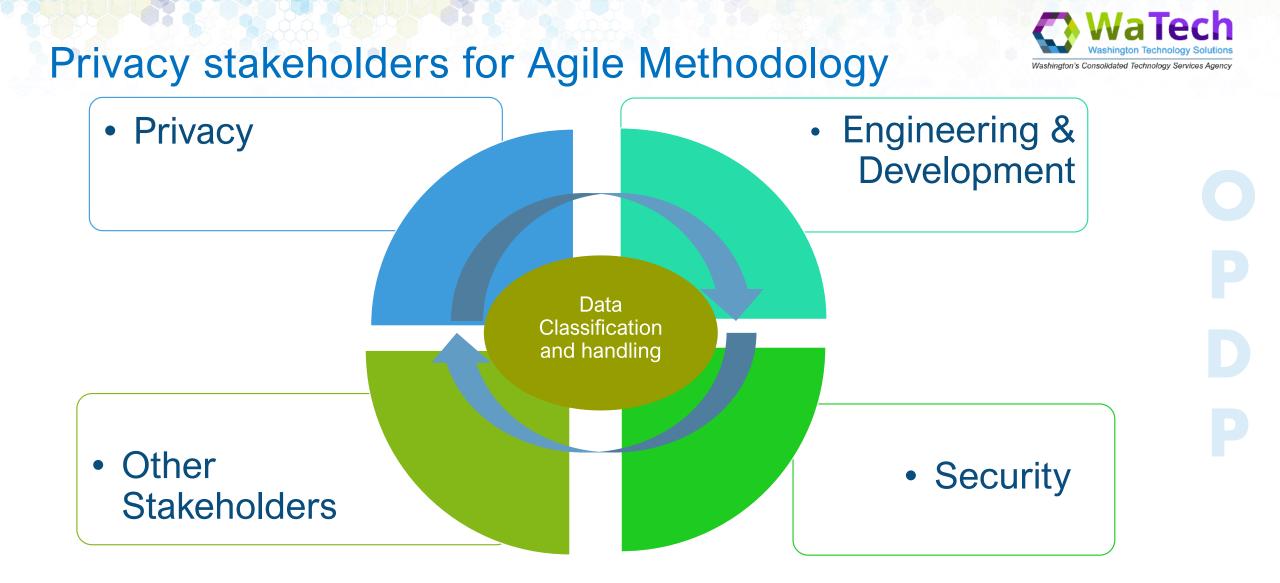
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When does privacy need to be at the table?

Potential triggers for Privacy involvement



- At project conception if PII is going to be used.
 - Privacy can help determine whether the information should be collected.
 - Being involved early also helps establish the level of our involvement throughout the project.
- When confidential data is involved ... internally and with third parties.
- Where data sharing agreements or contracts are being executed.
- Sometimes at more than one point in the project agile method is iterative.
- Systems and processes established with security design review.



Agile process challenge



- Challenge:
 Determining privacy risk for a system that will exist later
- Fix: Quick assessment (mini privacy review)



Agile Methodology – Quickly Assess Each Sprint

A Quick Assessment Overview Result



Source: Gartner



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Quick assessment - ties directly to Privacy Principles

Washington Technology Soluti Washington's Consolidated Technology Services Age

Determine:

- ✓ What personal data are you collecting?
- ✓ Where are you going to get it from?
- ✓ Where will it be stored?
- ✓ Who will have access?
- Purpose for collection? Why do you actually need it?
- ✓ How long does it need to be retained?





What is the anticipated outcome and benefits from this process? ≻ Outcomes:

- Flag privacy review and detect privacy issues
- Technical privacy requirements for specific part of the project
- Prioritization of mitigation efforts
- Consult with privacy and legal based on assessment

Benefits:

- Further analysis of project based on discovered knowledge
- Embed privacy into project for further iterations
- Improved data classification and data handling standards



What will privacy do?

Privacy Impact Assessment Tool and Privacy Threshold Analysis Process

The PIA Process

A PTA is a brief, high-level assessment used to determine whether the subject of the review may have privacy implications and require a PIA.

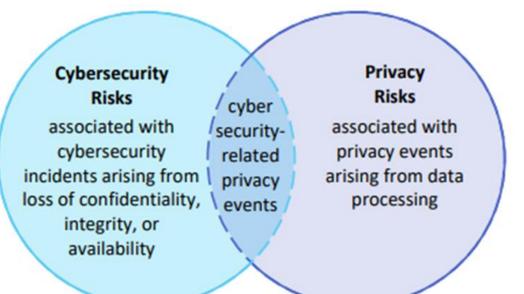


A PIA is a tool used to describe how projects. interact with information assets. A PIA should document the risks identified by through the process and the privacy solutions or mitigations strategies adopted as a result.

Review and Update, as Appropriate



Coordinate data protection with WaTech's Office of Cybersecurity



- Collaboration on data security
 initiatives that overlap with data governance
- Security is one of the WA state agency privacy principles
- Initiative to perform privacy impact assessments
 as a part of the security design review process
- OCS Operational Plan coordination



Privacy in Action



M365 Implementation



- Webinar on Privacy
 Considerations for M365
- Attend M365 Meetings with eDiscovery and records community
- Data management issues
- MyAnalytics questions
- Privacy concerns
- Waivers

OneWa Project

https://one.wa.gov/

 SME support and guidance to the <u>OneWa</u> Project

WASHING

- Privacy Subcommittee under the <u>OneWa</u> Data Governance Advisory Committee
- Design and review the Privacy Impact Assessment





Key takeaways to incorporate privacy



First ask: Does the project or sprint process personal data?

If so:

Determine:

- What personal data are you collecting?
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- Where will it be stored?
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Privacy is a Right

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Preamble. We: the people of the State of Washington, grateful







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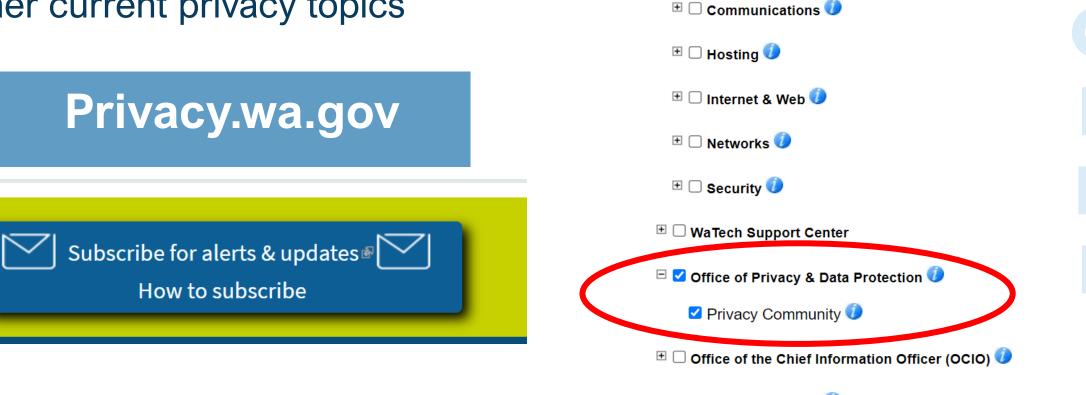
and and offering



https://watech.wa.gov/Privacy



Privacy Training and Communications Privacy Points – Monthly blog on events, initiatives, legislative updates, and other current privacy topics



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Thank you!

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