

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** 

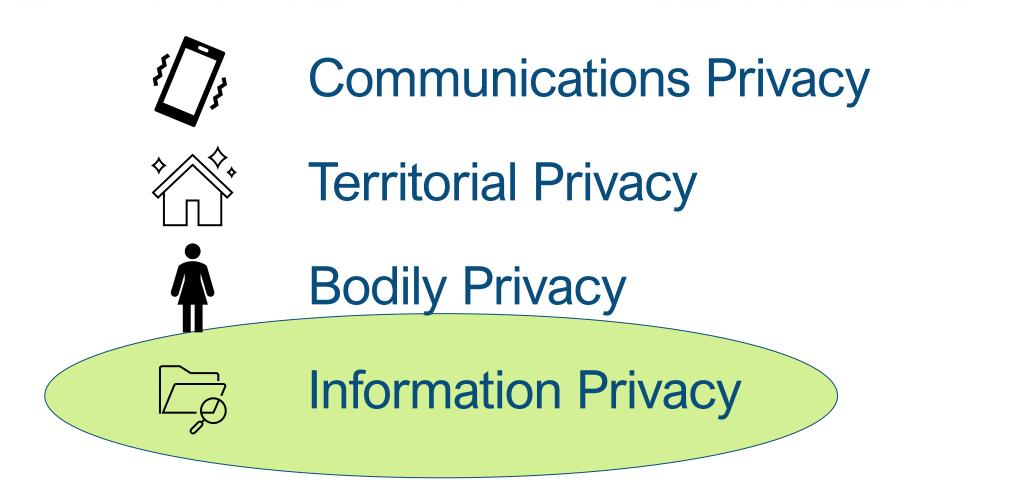
**Bodily Privacy** 



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

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### Washington State Agency Privacy Principles

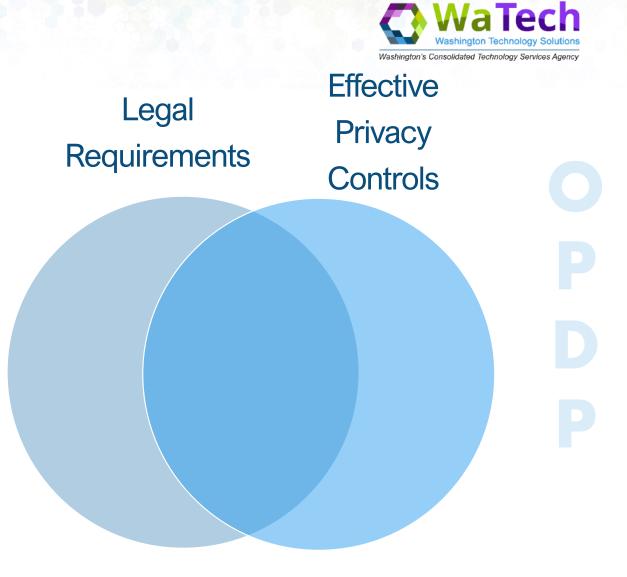
- Lawful, fair, & responsible use
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### Laws and Regulations

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:

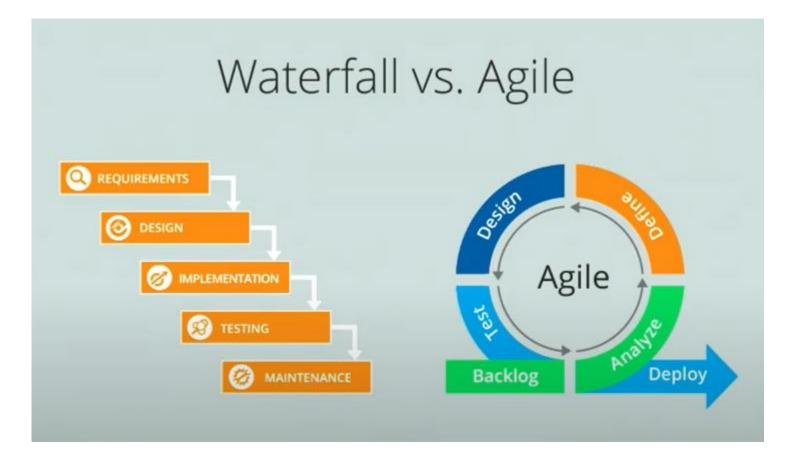
- any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the
  - collection
  - use
  - storage
  - disclosure
  - analysis
  - deletion
  - modification of personal data





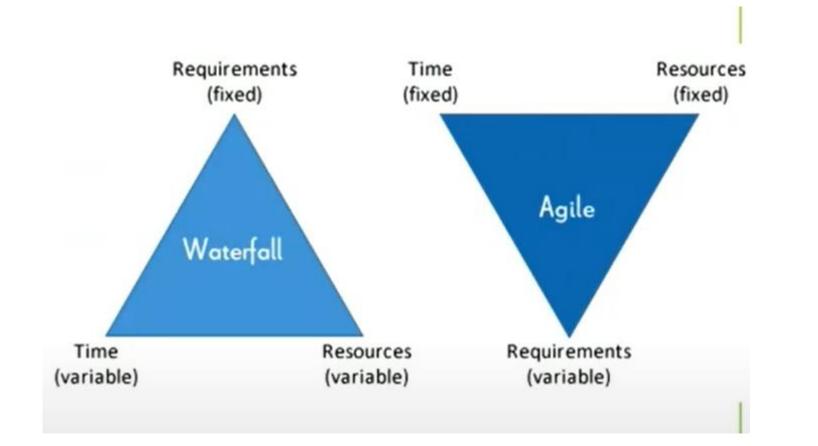
### **Incorporating Privacy**





## **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

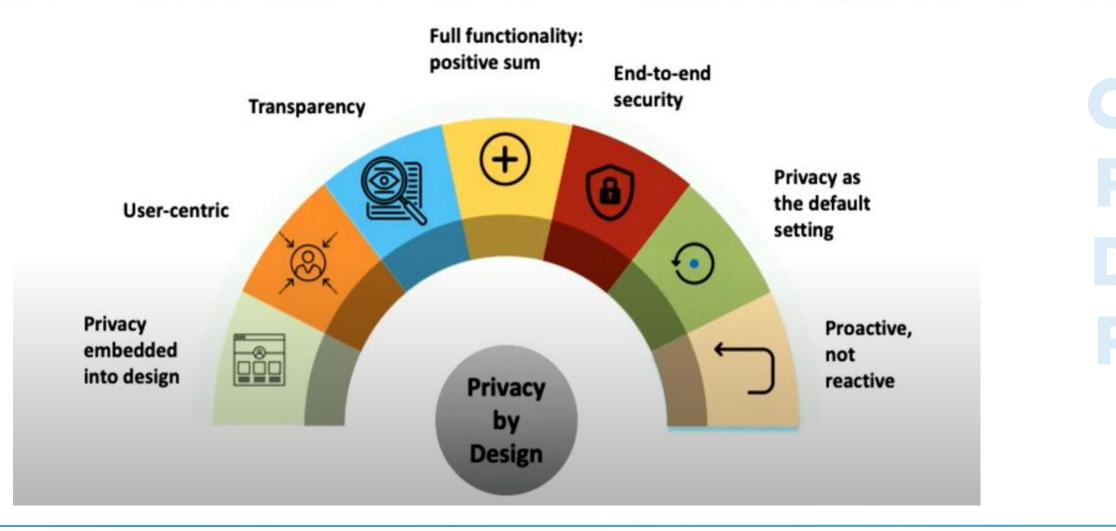
- Driver's License
- Internal emails
- Agency websites

Office of Privacy and Data Protection



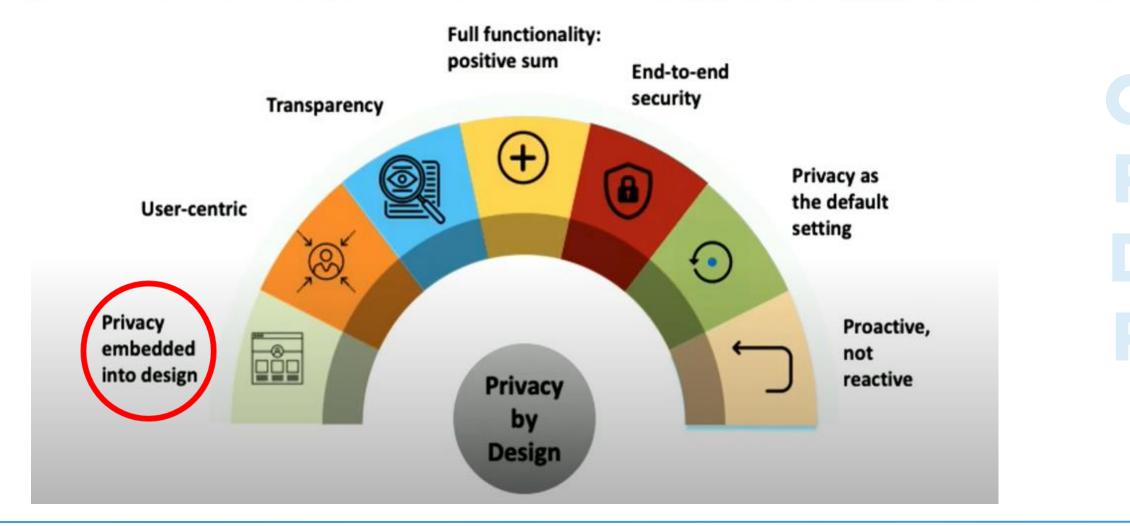


### **Privacy-by-Design Principles**



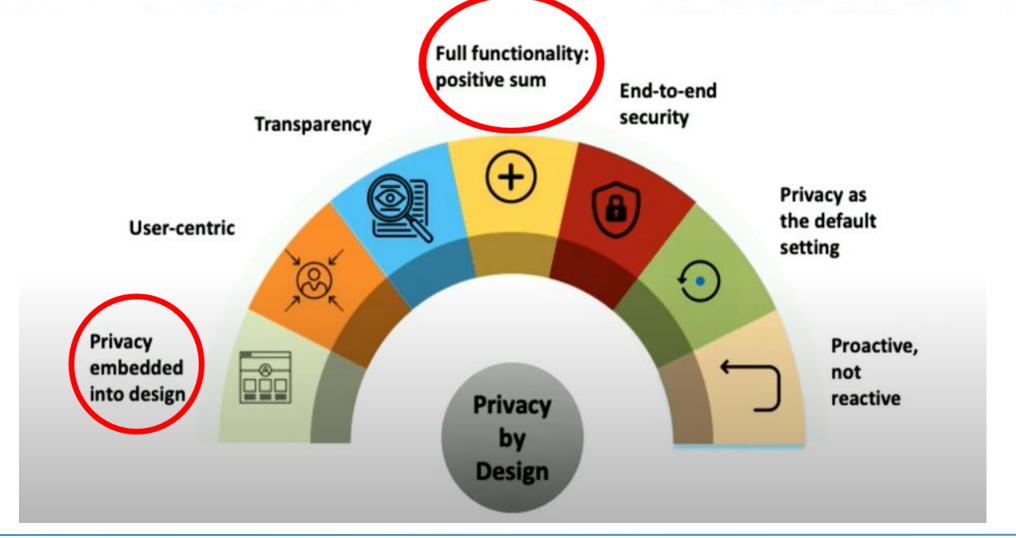


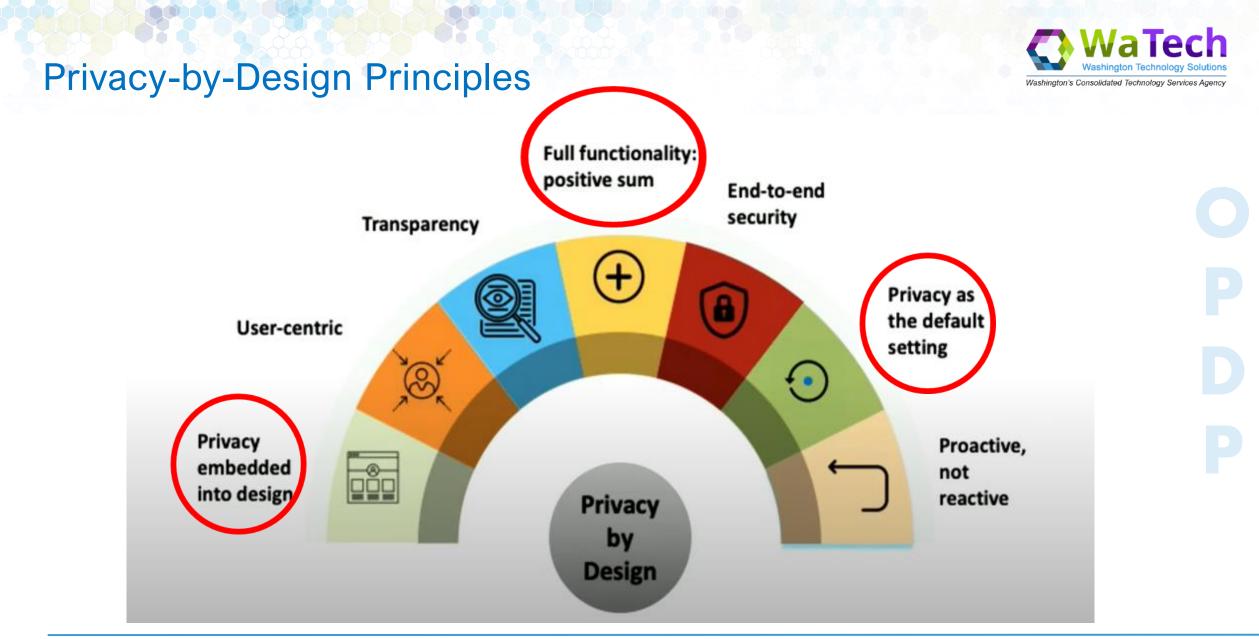
### **Privacy-by-Design Principles**

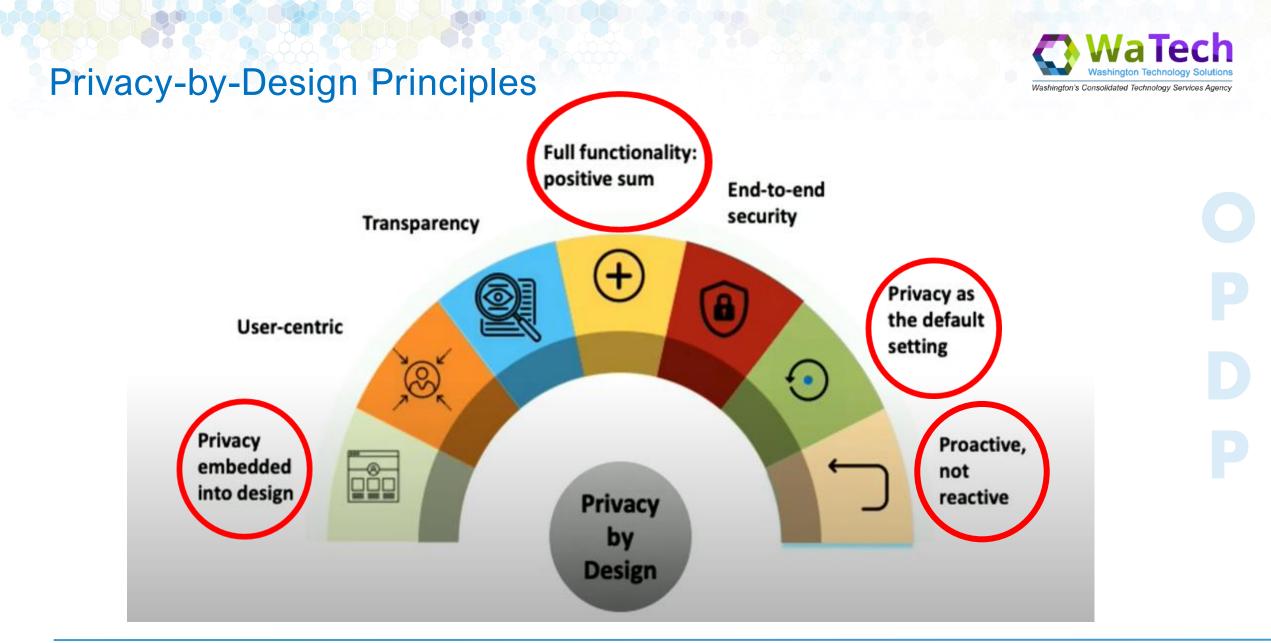




### **Privacy-by-Design Principles**









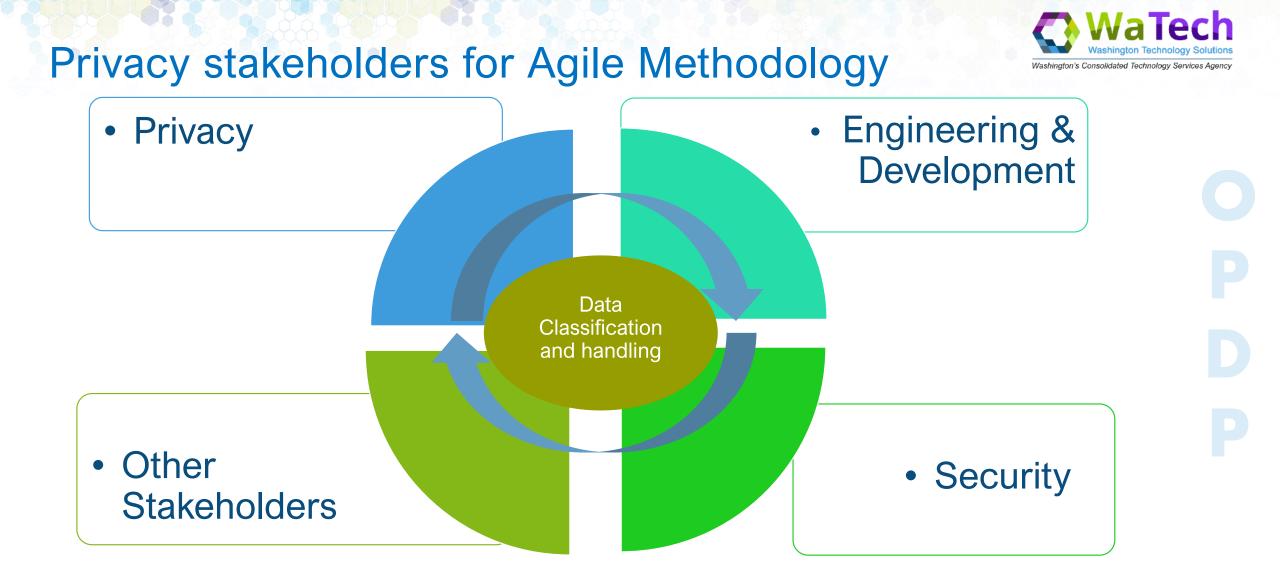
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### When does privacy need to be at the table?

## 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.

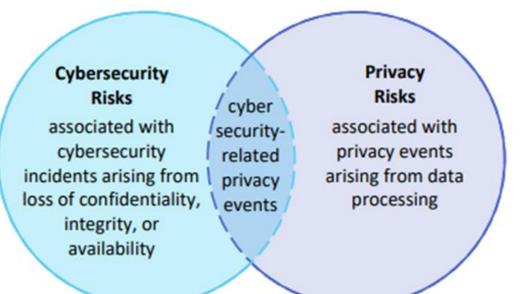


A PIA is a tool used to describe how projects. interact with information assets. A PIA should document the risks identified by through the process and the privacy solutions or mitigations strategies adopted as a result.

### **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?
- ✓ Where are you going to get it from?
- Where will it be stored?
- ✓ Who will have access?
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### Privacy is a Right

STATE of MASGINGTON

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







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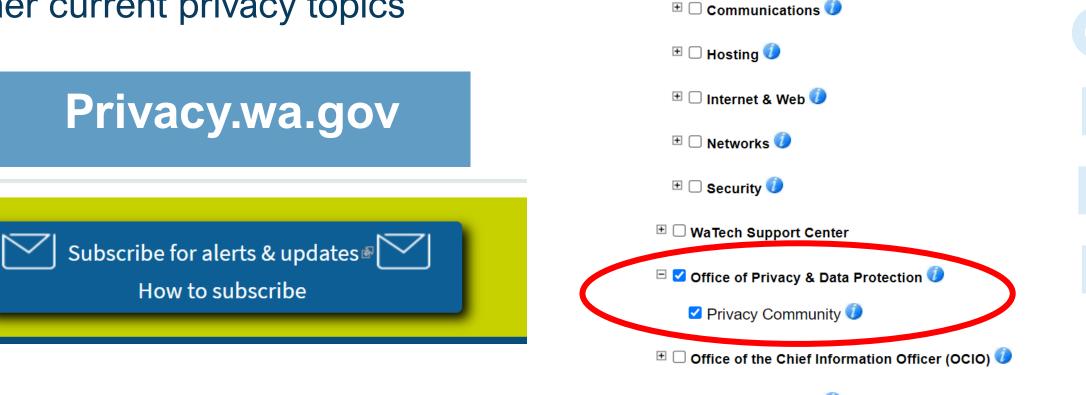
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Privacy Training and Communications Privacy Points – Monthly blog on events, initiatives, legislative updates, and other current privacy topics



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# Thank you!

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