Performance Note
HB0243S03 - Privacy Protection Amendments

Sponsor: Rep. Gibson, Francis D.

Performance Note Report

Author: Jason Allen
Agency: Office of the State Auditor

Funding For:

New Services or Benefit

Public Benefit:

Purpose: The purpose of creating of a state data privacy officer is to (1) compile non-state government privacy practices and educate them using material developed by the Personal Privacy Oversight Commission; (2) identify and review the data privacy practices of non-state governmental entities with the greatest risk; and (3) report on compliance with established minimum acceptable standards for government privacy policies, technology uses, and data security by the non-state governmental entity.

Services: See Purpose above.

Expected Outcome: During the first year, the state privacy officer will begin compiling information about non-state government privacy practices and make this information public on the state auditor website. The state privacy officer will then begin to assess and review those non-state government privacy practices that pose the greatest risk. The state privacy officer will make quarterly reports to the Personal Privacy Oversight Committee and annual reports to the Judiciary Interim Committee.After the Personal Privacy Oversight Committee has developed guiding standards for best practices and minimum acceptable standards that government entities, these best practices and standards will be provided to non-state governmental entities as educational and training materials.

Implementations and Resources: The state auditor, with advice and consent of the Senate, will appoint a state privacy officer. Once this individual is in place, they will begin carrying out their duties as outlined in the bill and summarized above.

How: These proposed activities will provide non-state governmental entities with best practices and minimum acceptable standards to govern their privacy policies, technology uses, and data security and will make this information publically available to inform individuals how those non-state government entities use and safeguard private information.

Performance Measures

Goal

Title: Reviews of Technology Uses and Privacy Policies

Description: Identify and review non-state governmental entities that pose the greatest risk to individual privacy and report the results of the reviews.The target or benchmark for FY2021 is to appoint the state privacy officer; for FY 2022 to evaluate the use of facial recognition technology and artificial intelligence technology by non-state agency governmental entities. Develop best practices framework and engage with governmental entities for educate them on best practices to adopt if using such technology. Review public requests; and for FY2023 to provide recommendations to the legislature for codifying best practices surrounding technologies that are being considered for use by non-state agency law enforcement. Review public requests.The baseline for FY2021 is to appoint the state privacy officer; for FY2022 to review facial recognition and artificial intelligence technologies. Develop educational resources to provide to non-state agency governmental agencies to adopt best practices; and for FY2023 to provide educational resources and engage with non-state agency governmental entities about best practices to adopt when using technology. Provide recommendations to the legislature for codifying the use of facial recognition and artificial intelligence.

Collection Method: The performance information will be collected by the data privacy officer office and will ensure reliability by providing status updates to the State Auditor on a frequent basis.

	2021	2022	2023
See Description above	0.00	0.00	0.00
See Description above	0.00	0.00	0.00

By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.