



Performance Note HB0243 - 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 a data privacy officer and the Personal Privacy Oversight Committee is to (1) develop guiding standards for best practices with respect to government privacy policy, technology uses, and data security; (2) review the data privacy practices of government entities; and (3) report on the governmental entity's compliance with established minimum acceptable standards for government privacy policies, technology uses, and data security.

Services: See Purpose above.

Expected Outcome: During the first year, the state privacy officer and the Personal Privacy Oversight Committee will develop guiding standards for best practices and minimum acceptable standards that government entities should follow with respect to privacy policies, technology uses, and data security. Once these best practices and standards are developed they will provide governmental entities with educational and training materials. The state privacy officer will also gather information about privacy policies, technology uses, and data security from government entities, which will be made publicly available on the state auditor's website. The next phase is to use this gathered information, with any requests from individuals, to identify government entities for review based on the entities that pose the greatest risk to individual privacy. Upon completion of the reviews, the state privacy officer will make recommendations to the government entity to comply with best practices and minimum acceptable standards. The state privacy officer will report annually to the Judiciary Interim Committee the results of these reviews and recommendations made. These reviews and recommendations will be published by the state auditor. This process to gather information, assess risks to privacy, perform reviews, and report the results will continue each year. Government entities will be reviewed at least every two years.

Implementations and Resources: The state auditor, with advice and consent of the Senate, will appoint a state privacy officer. The state auditor will also appoint the members of the Personal Privacy Oversight Committee. Once these individuals are in place, they will begin carrying out their duties as outlined in the bill and summarized above.

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

Performance Measures

Goal

Title: Reviews of Technology Uses and Privacy Policies

Description: Identify and review governmental entities that pose the greatest risk to individuals' privacy and report the results of the reviews.

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. Target: FY2021: Appoint the state privacy officer and members of the Personal Privacy Oversight Committee. FY2022: Evaluate the use of facial recognition technology and artificial intelligence technology by governmental entities. Develop best practices framework and engage with governmental entities for educating them on best practices to adopt if using such technology. Review public requests. FY2023: Provide recommendations to the legislature for codifying best practices surrounding technologies that are being considered for use by law enforcement. Review public requests. FY2024: Review requests from the public and explore new technologies being considered for use by governmental entities. Review public requests. Baseline: FY2021: Appoint the state privacy officer and members of the Personal Privacy Oversight Committee. FY2022: Review facial recognition and artificial intelligence technologies. Develop educational resources to provide to governmental agencies to adopt best practices. FY2023: Provide educational resources and engage with 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. FY2024: Continue engaging with governmental entities to educate them on best practices of using technologies reviewed by the data privacy officer. Review public requests.

	2021	2022	2023
Target	0.00	0.00	0.00
Baseline	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.