

Monday, March 05, 2018



Dear Stakeholders:

As we continue our work to strengthen the way we safeguard and protect the personal information of our customers, while ensuring we are complying with the Governor's Executive Order, and state and federal laws, here are some updates for you.

- Created an Office of Community Outreach, and in addition to hiring Rafael Estevez Jr. to be our new Director of Community Outreach to manage this program, we have also hired Maria Siguenza to work as the Community Outreach Equity, Diversity and Inclusion (EDI) Manager. Maria currently works at the Department of Social and Health Services as the Business Diversity and Legislative Program Manager, where she provides programmatic oversight to Operations Support and Service Divisions and Office of Minority and Women's Business Enterprises in matters relating to diversity and the legislature. Her tactical and strategic role with DSHS, working with data, policy and processes to move diversity, equity and inclusion initiatives forward, partnered with her service delivery background of serving as a Spanish interpreter in health care environments, provides us with a unique skillset that will benefit our customers. Maria has a degree in Psychology from Western Washington University.

We are also moving our non-discrimination program to this new office. Together, they will focus on internal processes and help us cultivate a culture of diversity and inclusion. We are counting on them to identify and articulate gaps and barriers in our service, internal culture focus, develop an equity, diversity and inclusion (EDI) plan for community engagement, and to help provide advocacy and education as we improve our policies and processes to help provide equal access and better serve all of our customers.

- We are making changes to data we send to the Washington State Patrol ACCESS system to remove social security number and the comment field used by licensing service representatives. We are also working with law enforcement to transition all law enforcement requests regarding firearms through the WSP Access switch,

instead of coming through email and phone calls. This will centralize the requests into one area and provide a quicker response time to law enforcement. This work is scheduled to be completed by the end of March.

- Made improvements to our website to try and address barriers to service customers may encounter if English is their second language. We have added the Google translate feature to our website so customers can view it in multiple languages. We plan to continue to look for ways to improve our website to make it more accessible.
- An important part of being able to successfully deliver “Friendly and Helpful Customer Service – Every Time” is spending the necessary time listening to our customers. The voice of the customer is feedback we receive on their expectations and personal experiences with our services. The more we can capture and use the voice of the customer, the more we can understand the unintentional barriers to services that may exist, and we can use that information to better serve our customers with their driver, vehicle and professional licensing needs. As we identify potential barriers we are using each situation as learning experience, not just to resolve the singular issue, but looking deeper at our daily work processes and identifying changes needed and training opportunities for staff. This week we have an agency wide all employee meeting and plan to discuss equity to our services and the need to identify and eliminate barriers while complying with federal and state laws. We will address needed culture change and helping employees understand the importance of equity and how we impact our customers lives.
- We will be taking the next step to make the emergency rule on removing Place of Birth from our applications final. The emergency rulemaking proposal (CR-102) will be filed Friday, March 9, and the public hearing will be in Olympia on Tuesday, April 24. We anticipate the rule to be adopted on April 25, with an effective date of May 19, which is the same day the emergency rule expires. We are starting to gear up for our REAL ID rulemaking, which will determine the specific language that will be printed on our standard driver licenses starting in July. We are planning to engage in discussions with the Governor’s Office and interested stakeholders to help us develop the rule language, and will host two stakeholder workshops later in March. Our plan is to file the proposal (CR-102) on Wednesday, April 4, with possible public hearings in early May. Once the specific language is determined, we will seek approval from the Department of Homeland Security, and then the tentative rule adoption will be June 1 with an effective date of July 1.

I truly appreciate your helpful feedback, information and guidance. Please feel free to contact me anytime at DOLDirector@dol.wa.gov or call me at (360) 902-3933 with your questions or concerns.

Sincerely,



Pat Kohler
Director

Monday, February 26, 2018

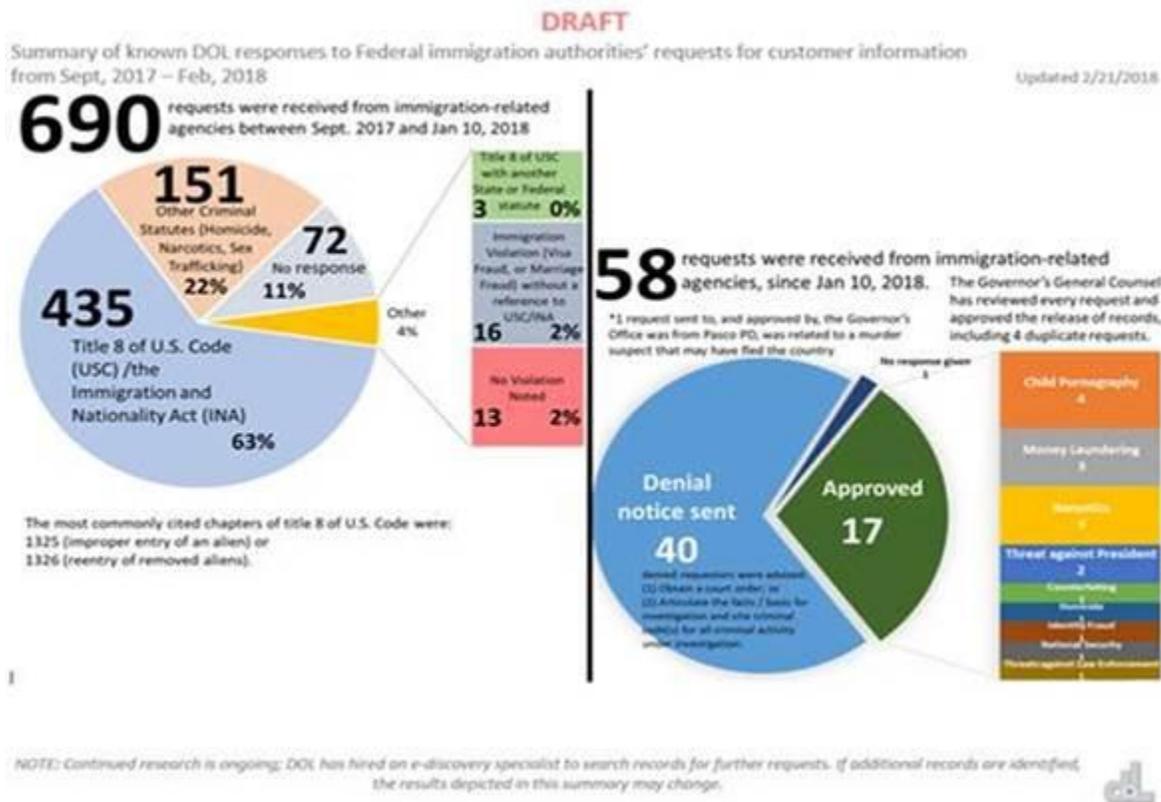


Dear Stakeholders:

As the Department of Licensing (DOL) continues to strengthen the way we safeguard and protect the personal information of our customers, while ensuring we are complying with the Governor's Executive Order, and state and federal laws, I am providing you with the following updates for this week.

- We have identified our goals to ensure compliance with the EO and want to share them with you and ask for your input to make sure we all have the same vision and direction as we move forward. I plan to share these goals with staff and develop visible performance measures on how we are doing. They are:
 - Protect personal information while still serving the public safety interest
 - Ensure equal access to our services for all Washington residents
 - Increase communications and transparency
 - Continue to build an equitable, diverse and inclusive (EDI) culture
- The chart below summarizes the 690 records we found that were processed by our License Integrity Unit before our processes changed on January 10. The records we found cover the months of September 2017 through January 10, 2018. You will note we analyzed the reason cited for the requests and included breakdowns. The information on the right summarizes the 58 requests from immigration-related law enforcement we've received and processed since we changed our practices. You will note we are now denying most requests and only fulfilling requests about subjects of criminal investigations that do not involve immigration. We don't have all of the records related to this activity for the past year. These types of records were classified as transitory in the past and were deleted after the request was fulfilled.

However, we were able to recover many deleted records from our email servers and the state email system. We are continuing to work to identify and recover all possible records from these systems.



- We are finalizing a contract with Veritas, a company that specializes in electronic discovery and can help us make sure we have retrieved all of the records related to information sharing with immigration law enforcement authorities. We are working with Washington Technology Solutions through the Department of Enterprise Services to write a contract and develop a work plan. We expect this to happen next week.
- I am excited to announce that we have hired Rafael Estevez Jr. to be our new Director of Community Outreach. Rafael has more than 20 years of professional experience working with diverse populations. He will start with DOL on March 16. His current position is the Washington State Emergency Management Limited English Proficiency and Vulnerable Population Manager, where he planned and coordinated outreach on emergency management issues, like wildfires, to communities around the state with diverse populations. He was also a part of the team that recently helped pass legislation related to providing notices of public health, safety and welfare in languages other than English. He served as a First Sergeant in the U.S. Army, and has a Master of Arts in Psychology from Brandman University in California and a Bachelor of Science from Excelsior College in New York. I believe he will make an excellent addition to the DOL Team, and will help us

build relationships in our communities, engage customers, build trust, and work with constituents to resolve issues.

- Since the work on this issue is so large, we are working on hiring another one of the candidates we interviewed to focus on internal processes and helping us cultivate a culture of diversity and inclusion. We are counting on these positions to identify and articulate gaps and barriers in our service, internal culture focus, develop an EDI plan for community engagement, and to help provide advocacy and education as we improve our policies and processes to help provide equal access and better serve all of our customers.
- Last Thursday, we had a stakeholder meeting and asked for help with three new work groups:
 - Data/Access to Databases, Policies and Process Review;
 - Pre-Rulemaking REAL ID; and
 - Statewide Issues/Data

If you are interested in volunteering to serve on these workgroups, please let me know.

We recognize that to fulfill our customer pledge of being friendly and helpful – every time - we must first be more open and transparent in our processes and communication with you. We are working towards this, but we think we will better serve our customers with your help. I encourage you to help us identify challenges and break down the barriers for accessing services at DOL, so that we can alleviate fear, rebuild trust and reassure our communities. This will be one of the top priorities of our Community Outreach program. As always, I remain committed to transparency and truly appreciate your helpful information, feedback and guidance. Feel free to contact me at DOLDirector@dol.wa.gov or call me at (360) 902-3933 with your questions or concerns.

Sincerely,

Pat Kohler
Director

Tuesday, February 20, 2018



Dear Stakeholders:

The Department of Licensing (DOL) is still working hard to make sure the personal information of all Washington residents is safeguarded and protected as we continue to implement changes to our processes and policies. This week, I have the following updates for you.

- We are working with the Office of the Chief Information Officer's Security staff to complete a review of our searches for correspondence between DOL and federal law enforcement concerning immigration. The review of the Discovery Accelerator tool and search criteria determined our searches were properly done and thorough. However, they recommended we bring in an electronic discovery specialist company to achieve maximum confidence in our search results. We will be meeting with representatives from Veritas, a company that specializes in electronic discovery, to make sure we have retrieved all of the data for records related to information sharing with immigration law enforcement authorities.
- We have rolled out new training to all employees regarding DOL's policy on nondiscrimination in service delivery and facility access. This training contains information about the consistent use of language services for customers, and appropriate handling of all discrimination complaints. We are introducing improved resources related to language access services including telephonic interpretation, in-person interpretation, and translation services. Every employee is required to complete this training. Our commitment to you is that we will continue to strive to provide excellent customer service to all of our customers, and we welcome your ongoing feedback and suggestions to help us achieve this goal.
- We have completed our review of the data we collect and the forms it is collected on. Our review included questioning why we collect each piece of data and whether we need to continue collecting it. It also included a review of how and why we share data. We have also considered what changes we can make to our current data collection and sharing practices, consistent with state and federal law, that might better protect the personal information of all Washington residents and still serve the public safety interests that we share with law enforcement agencies. While we

no longer collect place of birth, and redact both place of birth and source identification information (typically birth certificate or passport information) if the requestor does not have a court order, we have several additional recommendations for expanding the redaction of information fields on documents we release to law enforcement. We will share these recommendations with you at the Stakeholder meeting with the Governor's Office on February 22, for discussion and feedback.

- We held interviews for our new Director of Community Outreach position last Thursday, and I am very excited about the candidates we had the opportunity to meet. We plan to hold a final round of interviews this week with the Governor's Office, and hope to have someone hired and starting work on March 16. The recruitment for our Deputy Director is still open, and we welcome referrals for this position.

We continue our partnership with the Governor's Office and the Office of the Attorney General as we work through these issues, and I remain committed to transparency and truly appreciate your helpful information, feedback and guidance. As always, feel free to contact me at DOLDirector@dol.wa.gov or call me at (360) 902-3933 with your questions or concerns.

Sincerely,

Pat Kohler
Director

Monday, February 12, 2018



Dear Stakeholders:

As the Department of Licensing (DOL) continues our important work to ensure our business practices and policies line up with state and federal laws, while also upholding the intent of Governor Inslee's Executive Order 17-01, I have the following updates for you.

Last week:

- We are evaluating our current Equity Diversity and Inclusion (EDI) culture, and identifying gaps where we must improve. We are developing a comprehensive action plan based on gaps identified, here are some of the items accomplished this week:
 - Obtained membership in the Institute of Diversity Certification, and invested in the Certified Diversity Executive training for our acting Deputy Director.
 - Enhanced Diversity and Inclusion training for new employees to include stronger customer focus.
 - Scheduled the first Cultural Humility class for DOL leaders (March 2nd). Breaking this training into modules and creating a plan to roll out to all agency employees. State HR has reviewed our content and considers it to be the leading training available in state government, and is recommending the Department of Enterprise Services (DES) incorporate it into their curriculum offerings. DES will be attending our first training session.
 - Started to conduct outreach efforts to identify best practices DOL could employ within our agency. This week we attended the Washington Immigration Network business resource group and the Governor's Interagency Council on Health Disparities.
 - Contracted for EDI personal executive coaching for Director Kohler.
 - Registered Executive Leadership Team members to attend The People's Gathering (March 14th).

- We created a new process for all law enforcement requests that come through our License Integrity Unit (LIU), and will complete training and expectations for LIU staff this week. This process involves multiple levels of review, including Governor's legal counsel when information is requested from immigration law enforcement. I am confident our new system will ensure accountability and quality control to ensure all customer information is safeguarded.

- We began screening applicants for our new Director of Community Outreach position. We received over 70 applicants and appreciate all of the input and support we have received from our community stakeholders on this recruitment. Our overall recruitment pool has 39% people of color, 17% veterans and 11% people with disabilities. We will be inviting the most qualified candidates to interview this Thursday, February 15. Pending results of our interview process, we anticipate our new Director of Community Outreach will be on board on March 16th. The recruitment for our [Deputy Director](#) is still open, and we welcome referrals for this position.

- Last week we received one call from a concerned Washington residents wanting to check if their personal information was released to Immigration and Customs Enforcement (ICE). To ensure privacy, we are asking constituents to call our Public

Disclosure Unit at (360) 359-4454. We had questions and concerns about the confidentiality of the Language Access services available to assist, and we confirmed we can use a process whereby the contractor does not record the call or capture any information of the identity of the caller. We continue to work with the Governor's Office and the Office of the Attorney General to explore additional methods for providing this information.

We continue our partnership with the Governor's Office and the Office of the Attorney General as we work through these issues, and I remain committed to transparency and truly appreciate your helpful information, feedback and guidance. As always, feel free to contact me at DOLDirector@dol.wa.gov or call me at (360) 902-3933 with your questions or concerns.

Sincerely,

Pat Kohler
Director

Monday, February 05, 2018



Dear Stakeholders:

The Department of Licensing (DOL) is committed to safeguarding the personal information of all Washington residents. In partnership with the Governor's Office and the Office of the Attorney General, we are making significant progress to ensure our policies and business practices adhere to state and federal laws, and uphold the intent of Governor Inslee's Executive Order 17-01.

Last week:

- We have already received more than 50 applications for our new Director of Community Outreach position. We are very pleased to see so much interest in this critical position. We will begin our initial screening of applications February 9 and plan to conduct interviews on February 15. Once hired, this individual will assist our agency in building relationships with stakeholders, engaging customers, and working with constituents to resolve issues. In addition, the recruitment for our

Deputy Director is now open. Please help us find the best candidates for these two critical positions by sharing these opportunities with people who may be interested.

- We completed a review of all standard and intermediate driver license and identification card application forms and removed the *place of birth* and *country* fields on each application. All divisions were directed to replace and destroy old forms, and each division has verified this has been completed. We also updated our website by removing *place of birth* and *country* fields from our online applications.
- We created a new section on our agency's website. On the top of our dol.wa.gov homepage, you will now find a banner that provides the latest information, press releases, videos and updates about our compliance efforts.



- We spent considerable time retrieving past immigration law enforcement requests from our email archives. We have been able to reconstruct many records dating back to September 2017; however, those records may be incomplete due to retention cycles. We have been unable to reconstruct any records prior to September 2017. To better protect this information in the future, we have changed our records retention on these requests to two years. Staff have been apprised of these changes.
- We established a new process for concerned Washington residents to check if their personal information was released to Immigration and Customs Enforcement (ICE). To ensure privacy, we are asking constituents to call our Public Disclosure Unit at (360) 359-4454. Language services are available. Before releasing information, we will verify a person's identity by asking for name, date of birth, and driver license or ID card number. We are working with the Governor's Office and the Office of the Attorney General to explore other options for providing this information. It is important to note, as mentioned in the previous paragraph, that our records may be incomplete, and even if they are unable to find a specific request by ICE, it is still possible a request was made.

- We continue to identify ways to connect with our customers, in particular our customers from immigrant communities. Our Communications and Education office has developed a draft scope of work for community outreach, relative to the data share issue. We will share this draft with you later this week so you can provide us with feedback and your thoughts on our initial direction. The team is also collecting information from media groups around the state to assist us in building new partnerships and improving the dialogue with all Washington residents.

I am fully committed to being transparent and appreciate your helpful information, feedback and guidance. As always, feel free to contact me at DOLDirector@dol.wa.gov or call me at (360) 902-3933 with your questions or concerns.

Sincerely,

Pat Kohler
Director

Friday, January 26, 2018



Dear Stakeholders:

We are making progress in our efforts to safeguard the personal information of all Washington residents. In collaboration with the Governor's Office and the Office of the Attorney General, we are reviewing our policies and practices to ensure they adhere to state and federal laws, and uphold the intent of Governor Inslee's [Executive Order 17-01](#).

This week we have:

- Incorporated stakeholder feedback and posted the job announcement for our new Director of Community Outreach. Thank you for your feedback. As one of you suggested, this position will create an ongoing feedback loop with community organizations to inform DOL's plan to build relationships in our communities, engage customers, build trust, and work with constituents to resolve issues. Please share this announcement with people you believe would be interested. This recruitment announcement is currently being translated and will be available in Spanish Monday, January 29, 2018.

- Beginning today, we will no longer share place of birth or other forms of identification used to obtain a driver license or ID card.
 - Implemented an emergency rule to remove place of birth from our driver license applications.
 - Initiated a new process for redacting place of birth as well as information about documents used to prove identity at the time of application.

We realize we must change our procedures and the ways we interact with our communities. As such, we met with two public relations and marketing firms, both certified as women and minority-owned businesses, to develop a plan to help us better engage with immigrant communities and communities of color to assure them Department of Licensing is protecting their personal information.

Thank you all for the many helpful comments and suggestions you have conveyed to me in recent days. As always, feel free to contact me at DOLDirector@dol.wa.gov or call me at (360) 902-3933 with your questions or concerns.

Sincerely,

Pat Kohler
Director

Friday, January 19, 2018



Dear Stakeholders;

Thank you for your understanding and patience as we work to correct the mistakes my agency made. We continue to gather data to help us safeguard the personal information of all Washington residents and uphold the intent of Governor Inslee's Executive Order 17-01.

I would also like to extend my deepest gratitude to all of you for joining the Governor, our Commission on Hispanic Affairs and me to talk about this situation last Monday.

My intention is to provide you with weekly update on all of our efforts on this important issue. What follows is my first updates on some of the actions DOL has taken this week.

We have provided immediate instructions to all DOL employees through email and an agency-wide livestream event that instructs them to:

- Stop providing customer information for any immigration enforcement matter requested by Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS) or Customs and Border Patrol (CBP) unless they present a court order signed by a federal judge or magistrate, or under the requirement of a state or federal law. All employees were advised on January 12, and again on January 16.
- Track, monitor, and report all information requests from ICE, DHS or CBP. In consultation with our AAGs, we have changed our record retention requirement from all law enforcement requests for information to two years. Our prior practice treated these requests as ‘transitory’ and were therefore able to be deleted after they were processed. This change will allow us to track and review the types of requests we receive.
- Read Executive Order 17-01, and affirm in our learning management system their understanding of DOL’s responsibility related to the order. Employees must complete this task by Monday, January 22, 2018.
- Collect and capture questions and comments from the public and route them through our Customer Call Center. We have also put a process in place if a customer asks to speak directly to someone regarding their concerns.

We are immediately changing rules for information we have historically collected that isn’t required by law, including:

- On Friday, January 19th, we filed emergency rulemaking to end the collection of information that isn’t required by state or federal statute. Beginning Friday, January 26th we will no longer collect place of birth, during the driver license or ID card application process.

We are increasing communications with the public:

- Hiring a Director of Community Outreach that will report directly to Director Pat Kohler. This person will be the central point of contact for customers and stakeholders concerned about DOL processes. They will additionally provide outreach with community groups to inform people about what information is

required, why it is needed, what is shared, and with whom. This position will also engage stakeholders to hear their concerns and help to incorporate guidance into DOL processes.

- We are currently seeking stakeholder input on our recruitment. [Lisa van der Lugt](#), Executive Director for the Washington State Commission on Hispanic Affairs, has agreed to collect feedback from our stakeholders to help us with this effort.
- Creating a comprehensive communications plan that will include public education on current and future processes, efforts to rebuild public trust with all DOL customers, and better engagement with immigrant communities, and media relations. The plan will be available early next week, we plan to send it out to stakeholders for input. We met with Seattle advertising agencies PRR and TDW+Co to assist us in engaging with our community partners and media to share DOL messages.

If you have questions, concerns or suggestions on how to improve this briefing, please contact me at DOLDirector@dol.wa.gov or call me at 360-902-3933.

Sincerely,

Pat Kohler
Director