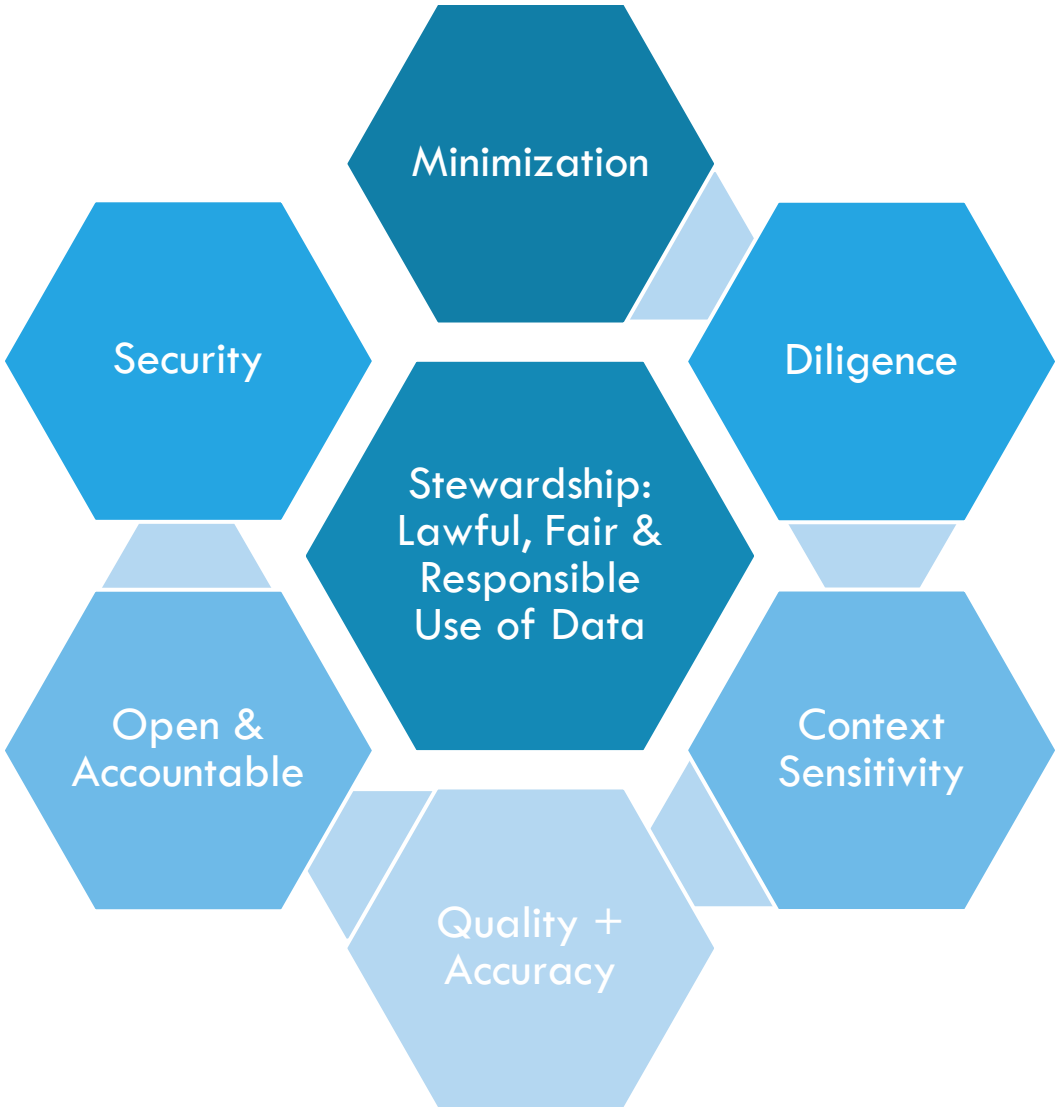
DATA Stewardship FRAMEWORK

WASHINGTON STATE DEPARTMENT OF LICENSING



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	EXPLANATION	COMMITMENTS FOR DOL	HOW WE COMPLY	ALIGNS WITH:
LAWFUL, FAIR & RESPONSIBLE USE	Data should be shared, collected, analyzed or otherwise used through lawful, legitimate and fair means. In particular, data access (or collection, where applicable), analysis or other use should be in compliance with applicable laws, including data privacy and data protection laws, as well as the highest standards of confidentiality and moral and ethical conduct. Data should always be accessed, analyzed or otherwise used taking into account the legitimate interests of those individuals whose data is being used. Specifically, to ensure that data use is fair, data should not be used in a way that violates human rights, or in any other ways that are likely to cause unjustified or adverse effects on any individual(s) or group(s) of individuals.	• No DOL personnel will knowingly obtain or disclose personal information, from any record governed by the DPPA, for any use not permitted under section 2721(b) .(DPPA 18 U.S.C. 2722) • "Every internal and external data user meets the highest data privacy, protection, and management standards" DOL Strategic Plan • "Executive and small cabinet agencies shall ensure their policies comply with Executive Order 16-01, Privacy Protection and Transparency in State Government, and that information collected from clients is limited to that necessary to perform agency duties. Policies must ensure that information regarding a person's immigration or citizenship status or place of birth shall not be collected, except as required by federal or state law or state agency policy;" (Executive Order 17-01) • Washington Public Records Act (RCW 42.56 and WAC 308-10) • Disclosure of vehicle records (RCW 46.12.635) • Agency Policies 1.7.1 – 1.7.12	**Agency-Wide** • Data Governance Board • Privacy Impact Assessments • Data Sharing Agreements **Public Disclosure Office** • First Point of Contact for records requests	• GDPR article 5(a) • GDPR article 6 • NIST Privacy Framework: Governance Policies, Processes, and Procedures (GV.PP-P)

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DUE DILIGENCE FOR DATA PARTNERSHIPS	Our partners in data sharing (such as contractors, recipients and sub-recipients) who engage in data use should act in compliance with relevant laws, with particular attention to laws protecting privacy. our partners should demonstrate the highest standards of confidentiality as well as moral and ethical conduct. Their actions should adhere to the same principles as public agencies. A process of due diligence should be conducted to evaluate the data practices of any potential data sharing partners. Legally binding agreements outlining parameters for data access and handling (e.g. data security, data formats, data transmission, fusion, analysis, validation, storage, retention, re-use, licensing, etc.) should be established to ensure reliable and secure access to data shared with data sharing partners.	• "State agencies shall notify the Chief Privacy Officer of the sale of any personally identifiable information or lists of individuals to third parties, except where such information has already been made available to the public." (Executive Order 16-01) • EO-17-01 (non-discrimination, sharing data with law enforcement) • Federal Motor Carrier Safety Administration (FMCSA) commercial driver licensing requirements • "Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft…" 18 U.S.C. 2721(b)	**Data Sharing unit (DSU):** • Document all data flows with Data Sharing agreements • Audit data sharing agreement partners • E-services system tracks bulk data deliveries **Administrative Services** • Include data protection certifications such as SOC and PCI in procurements **Business & Professions** • UCC filings are documented in the UCC File & Search system • Exam results for real estate, appraisers, home inspectors are tracked in the licensing database	• OCIO policy 141.10(4.2) "Securing Information Technology Assets" • SAO audit report "Contract Assurances for Vendor-Hosted IT Applications" 2018, page 25 • NIST Privacy Framework: Data Management Policies, Processes, and Procedures (CT.PO-P)

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DATA RETENTION & MINIMIZATION	Data access, analysis or other use should be kept to the minimum amount necessary to fulfill its purpose. Any retention of data should have a legitimate and fair basis, including the purposes for which access to the data was originally granted, to ensure that no extra or just-in-case data is stored. Any data retention should be also considered in light of the potential risks, harms and benefits. Data should be permanently deleted upon conclusion of the time period needed to fulfill its purpose, unless its extended retention is justified as mentioned in this Section above. Any deletion of data should be done in an appropriate, verifiable manner.	• "Each state agency shall annually review, for efficiency, its collection of personally identifiable information in any and all formats and media, with the goal of only collecting the data required to fulfill the state function or service to the consumer." (Executive Order 16-01) • "The records officer shall: … Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action" RCW 40.14.040 • Archives Retention Schedules • "State agencies must … [retain] personally identifiable information only as long as needed to carry out the purpose for which it was collected" (RCW 43.105.365) • "At least once every five years, each agency that collects information must review the information collected and justify why it is being collected and for what purpose." (RCW 43.105.365)	**Agency-wide** • Data Inventory, including PII, Records • Staff training on Records retention, Cybersecurity, Privacy **ISD** • Information lifecycle approach in Data Loss Prevention	• NIST Privacy Framework: Data Management (CT.DM-P) • NIST Privacy Framework: Awareness and Training (GV.AT-P) • NIST Privacy Framework: Inventory and Mapping (ID.IM-P) GDPR article 25

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PROTECT SENSITIVE DATA AND CONTEXTS	Stricter standards of data protection should be employed while obtaining, accessing, collecting, analyzing or otherwise using data on vulnerable populations and persons at risk, children and young people. It is important to consider that context can turn otherwise non-sensitive data into sensitive data. The context in which the data is used (e.g. cultural, geographic, religious, the political circumstances, etc.) may influence the effect of the data analysis on an individual(s) or group(s) of individuals, even if the data is not explicitly personal or sensitive. Vulnerable populations may include: age, gender, gender identity and expression, sexual orientation, victims of abuse, incarceration status, people experiencing homelessness, persons who have limited English proficiency, national origin, communities of color, disability to include: cognitive, physical and developmental, and low income or impoverished communities.	• Policies must ensure that information regarding a person's immigration or citizenship status or place of birth shall not be collected, except as required by federal or state law or state agency policy (Exec Order 17-01) • "To protect vulnerable individuals and their children from identity crimes and other forms of victimization, neither the state nor any of its agencies shall release sensitive personal information of vulnerable individuals" (RCW 43.17.410) • No state agency may use agency funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any federal registration or surveillance programs that target Washington residents solely on the basis of race, religion, immigration, or citizenship status, or national or ethnic origin (RCW 43.17.425) • Washington Public Records Act (RCW 42.56 and WAC 308-10) Disclosure of vehicle records (RCW 46.12.635)	**Agency-wide** • Data Request Policy • Enterprise Risk Management plan, section 3 **ASD** • Redaction of public records requests **Director's Office** • Facial recognition action agenda	• GDPR article 35: Data Protection Impact Assessments
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DATA QUALITY AND ACCURACY	All data-related activities should be designed, carried out, reported and documented accurately. More specifically, data should be validated for accuracy, relevancy, sufficiency, integrity, completeness, usability, validity and coherence, and should be kept up to date. Data quality should be carefully considered in light of the risks that the use of low quality data for decision-making can create for an individual(s) and group(s) of individuals.	• "State agencies shall establish procedures for correcting inaccurate information, including establishing mechanisms for individuals to review information about themselves and recommend changes in information they believe to be inaccurate" (RCW 43.105.365) • To the extent possible, information must be collected directly from, and with the consent of, the individual who is the subject of the data. (RCW 43.105.365)	**Agency-Wide** • "Implement advanced data management policies, standards, technologies, and compliance audits." DOL Strategic Plan **Data Management Office** • Data Inventory Framework	• 44 U.S.C. 3506 • GDPR article 5 GDPR article 16: Right to Rectification

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OPEN DATA, TRANSPARENCY AND ACCOUNTABILITY	Transparency is a critical element of accountability. Being transparent about data use (e.g. publishing data sets or publishing an organization's data use practices) is generally encouraged, but must be balanced against privacy, justice, and environmental stewardship. Except in cases where there is a legitimate reason not to do so, the existence, description, meaning, authorship, location, age and purpose of data use should be publicly disclosed and described in clear, non-technical language suitable for a general audience. Open data is an important driver of innovation, transparency and accountability. Therefore, whenever possible, data should be made open, unless there are legitimate reasons not to do so. Disclosure of personal information through public data should be avoided or carefully assessed for potential risks and harms.	• It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. (RCW 43.105.351) • Agencies must develop, implement and maintain an Open Data Plan that outlines how the agency will routinely work to make open data publicly available. (OCIO policy 187) • Washington Public Records Act (RCW 42.56 and WAC 308-10)	**OPA** • Review data for possible publication (checklist) • Adopt and publish an open data plan (OPDP dashboard) • Follow metadata standards **Business & Professions** • UCC filings are documented in the UCC File & Search system • Exam results for real estate, appraisers, home inspectors are tracked in the licensing database	• FOIA • Digital Accountability & Transparency Act of 2014 (Public Law No. 113-101) Foundations for Evidence-Based Policymaking (FEBP) Act (P.L. 115-435)

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DATA SECURITY	Data security is crucial in ensuring data privacy and data protection. Taking into account available technology and cost of implementation, robust technical and organizational safeguards and procedures (including efficient monitoring of data access and data breach notification procedures) should be implemented to ensure proper data management throughout the data lifecycle and prevent any unauthorized use, disclosure or breach of personal data. No de-identified data should knowingly and purposely be re-identified, unless there is a legitimate, lawful and fair basis. Data access should be limited to authorized personnel, based on the "need-to-know" principle. Personnel should undergo regular and systematic data privacy and data security trainings. Prior to data use, vulnerabilities of the security system (including data storage, way of transfer, etc.) should be assessed.	• "Each agency will conduct an Information Technology Security Policy and Standards Compliance Audit at least once every three years." (OCIO policy 141) • "Any agency that owns or licenses data that includes personal information shall disclose any breach of the security of the system…"(RCW 42.56.590)	**Agency-Wide** • Enterprise Risk Management plan, section 3 **ISD** • Annual security assessment • Triennial audit • Chief Information Security Officer on staff • Data Loss Prevention systems project • Data encryption in key systems • De-identification / Pseudonymization • Privacy Impact Assessment (checklist) •	• NIST Cybersecurity Framework