



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER 16-01

**PRIVACY PROTECTION AND TRANSPARENCY IN STATE GOVERNMENT
“MODERNIZING STATE AGENCY PRIVACY PROTECTION”**

WHEREAS, Washington State is a global leader in technology, innovation, and development, and advantages its citizens by providing access to this technology;

WHEREAS, today’s society is becoming increasingly digitized, and governmental transparency has emerged as an increasing concern for the residents of Washington State;

WHEREAS, due to the rapid expansion of digital technology, databases, mobile networks, and use and access to the Internet, State agencies and programs store millions of electronic records, creating a situation where highly sensitive personal information is routinely stored by governmental bodies and must be held in a manner that safeguards this personal information;

WHEREAS, the State government is responsible for protecting the personal privacy rights of Washington’s citizens regarding the personal data it collects as it provides services to Washington residents—and 15 years have elapsed since the last Executive Order (00-03) evaluated the security and privacy measures of state agencies and governmental bodies;

WHEREAS, while some personal information must be held by a governmental agency or a program, that personal information must be stored and handled with a high level of privacy and security. Moreover, the risk and awareness of data breaches in both public and private sectors highlights the need for responsible governance of private personal data;

WHEREAS, the state of Washington is aware of the growing concern of its citizens regarding the threat of data breach, mishandling of personal information, or other security risks. Further, the necessity for citizens to place their trust and personal data with State agencies and programs highlights the need to define and maintain the parameters to safeguard that information according to the highest standards and practices;

WHEREAS, in an interconnected world of public and private data, it is the State’s desire to educate residents regarding their use of personal information on mobile and digital networks and how they may take measures to protect themselves. In addition, to efficiently protect the private information of individuals and to enhance public knowledge of how personal information is handled and disclosed, state agencies should continually evaluate and improve their privacy policies and practices; and

WHEREAS, it is necessary and efficient to have a central point of contact for policy matters involving privacy and data protection. An Office of Privacy and Data Protection should be created to review and train state agency personnel on topics of security and data protection, as well as establish and conduct training programs. This Executive Order will create an organized system to disseminate best practices for the collection and storage of personal information;

With this Executive Order, it is my intent to ensure that state agencies comply fully with state public records and open government laws, while seeking to protect personal information to the maximum extent possible.

NOW, THEREFORE, I, JAY INSLEE, Governor of the state of Washington, declare my commitment to strengthen privacy protections for personal information held by state government, and to the principles of open government and the people's right to know.

I HEREBY ORDER as follows:

For purposes of this Executive Order, "personally identifiable information" means information collected by a state agency about a natural person that is readily identifiable to that specific individual.

1. Establishment of an Office of Privacy and Data Protection. An office of privacy and data protection will be created to:
 - a. Conduct an annual privacy review;
 - b. Conduct an annual privacy training for state agencies and employees;
 - c. Coordinate data protection and security measures, in cooperation with Washington Technology Solutions and the Office of the Chief Information Officer (OCIO);
 - d. Participate with the OCIO in the review of major projects involving personally identifiable information;
 - e. Articulate privacy principles and best practices for state agencies;
 - f. Brief the OCIO and the Office of Cyber-Security on the privacy issues relating to risk management and cyber-attack threat analysis and liability; and
 - g. Educate consumers through public outreach across Washington State.
2. Promoting Data Minimization. With respect to new information collected in the course of serving its customers, 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.
3. Limiting the Sale of Personal Information and Lists of Individuals. 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.
4. Adopt a Strategy for Minimizing Collection and Retention of Personal Information. Consistent with the record retention schedules currently required by law, state agencies shall examine their data retention practices and retain personal information only as long as needed to carry out the purpose for which it was originally collected, or the minimum period required by law.
5. Update Privacy Policies. State agencies shall continually review and update their privacy policies to match current information collection and retention procedures. The updated policies should be prominently displayed on each agency's website home page and on any other page where personal information is collected, and/or viewable.

6. Monitor Citizen Complaints. The Chief Privacy Officer shall, for the purpose of improving privacy practices, work with state agencies and programs to collect and analyze citizen complaints regarding the collection and use of personal information by state agencies.
7. Miscellaneous. Nothing in this Executive Order shall be construed to prohibit or otherwise impair a lawful investigative or protective activity undertaken by or on behalf of the State. This order does not create any right or benefit, substantive or procedural, at law or in equity that may be asserted against the State, its officers or employees, or any other person. The Governor may grant exceptions to the requirements of this Executive Order if an agency can demonstrate that strict compliance results in excessive and unreasonable administrative burdens or interferes with effective administration of the law.

This Executive Order shall take effect immediately, and shall supersede Executive Order 00-03.

Signed and sealed with the official seal of the state of Washington, on this 5th day of January 2016, at Olympia, Washington.

By:

/s/

Jay Inslee
Governor

BY THE GOVERNOR:

/s/

Secretary of State