

STATE GOVERNMENT DATA PRIVACY

PENNSYLVANIA SENATE COMMUNICATIONS & TECHNOLOGY COMMITTEE

PAM GREENBERG, NCSL | FEBRUARY 5, 2020



THE NATIONAL CONFERENCE OF STATE LEGISLATURES:

- Bipartisan: Serves 7,383 legislators and 30,000+ staff in states and territories
- Provides non-partisan research and analysis
- Promotes policy innovation and communication among legislators
- Advocates on behalf of states before the federal government

AGENDA

- State Government Privacy Challenges
- Privacy Acts
- Privacy Officers/Offices
- Website Privacy Policies
- Data Security/Disposal Laws
- Data Breach Laws

STATE GOVERNMENT DATA

- State governments hold a vast amount of data about citizens
 - SSNs, DL information, health records, tax and financial information
- Citizens often have no choice/are required to provide personal information to government

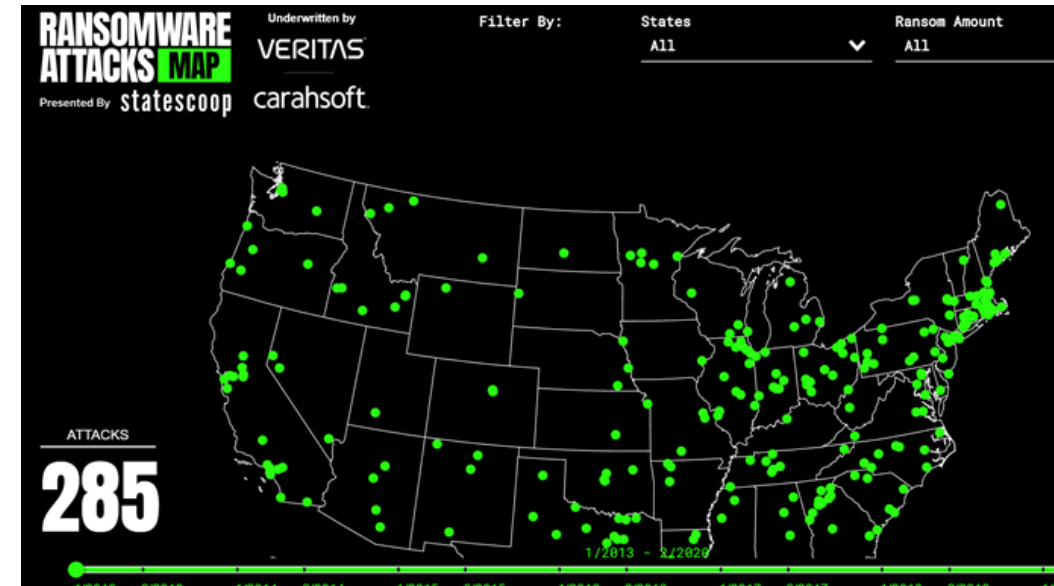
RISKS TO STATE GOVERNMENT DATA

- Increased use of technology – databases, electronic records, cloud, mobile
- Attractive targets for cyberattacks
- Budget, staffing challenges

RISKS TO GOVERNMENT DATA

Ransomware attacks on the rise

- *Louisiana Governor Declares State of Emergency After Ransomware Hits School Systems, Forbes, July 2019*
- *Texas Ransomware Blitz: 23 Local Governments Affected, August 2019*



<https://statescoop.com/ransomware-attacks-map-state-local-government/>



NATIONAL CONFERENCE OF STATE LEGISLATURES

RISKS TO STATE GOVERNMENT DATA

Data Breaches Continue

- Oregon Department of Human Services 645k records (2019)
- California Secretary of State: 19.2m records (2017)
- Georgia Secretary of State: 6.2m records (2015)
- South Carolina Department of Revenue: 3.6m records (2012)
- Office of the Texas Attorney General: 6.5m records (2012)

CITIZEN VIEWS ABOUT GOVERNMENT PRIVACY

“Americans and Privacy:
Concerned, Confused and
Feeling Lack of Control Over
Their Personal Information”
—Pew Research Center, Nov. 2019

Majority of Americans feel as if they have little control over data collected about them by companies and the government

% of U.S. adults who say ...

		Companies	The government
Lack of control	They have very little/no control over the data ___ collect(s)	81%	84%
Risks outweigh benefits	Potential risks of ___ collecting data about them outweigh the benefits	81%	66%
Concern over data use	They are very/somewhat concerned about how ___ use(s) the data collected	79%	64%
Lack of understanding about data use	They have very little/no understanding about what ___ do/does with the data collected	59%	78%

Note: Those who did not give an answer or who gave other responses are not shown.

Source: Survey conducted June 3-17, 2019.

“Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information”

PEW RESEARCH CENTER

STATE GOVERNMENT DATA PRIVACY LAWS

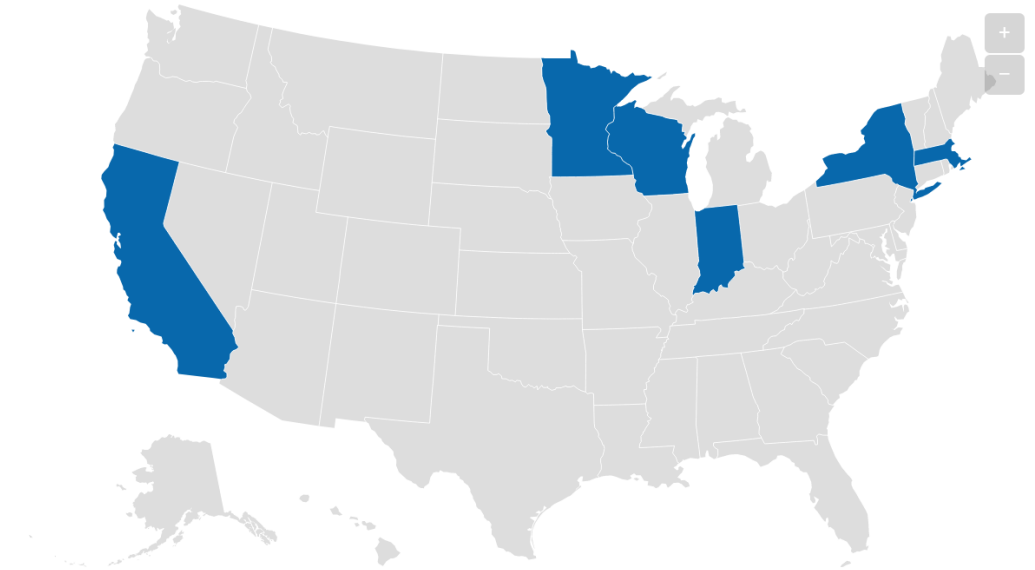
- Privacy Acts/Fair Information Practices
- Privacy Officers/Offices
- Website Privacy Policies
- Data Security/Disposal Laws
- Data Breach Laws



STATE PRIVACY ACTS

- Clearly inform individual about purpose when collecting PI
- Collect, maintain, use only information relevant and necessary
- Give individuals the right to inspect their PI and to request corrections

State Privacy Acts



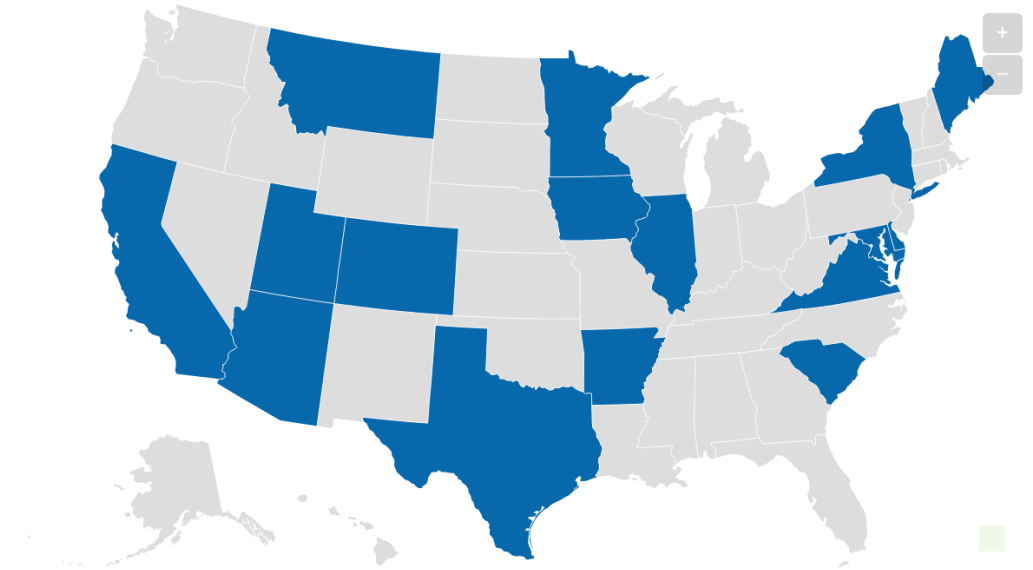
Map: Source: NCSL • Created with Datawrapper

WEBSITE PRIVACY POLICIES

Sixteen states with laws

- Govt websites must establish, post privacy policies
- Inform web visitors before collecting PI about use and sharing of data
- Inform web visitors if “cookies” are used

Website Privacy Policies

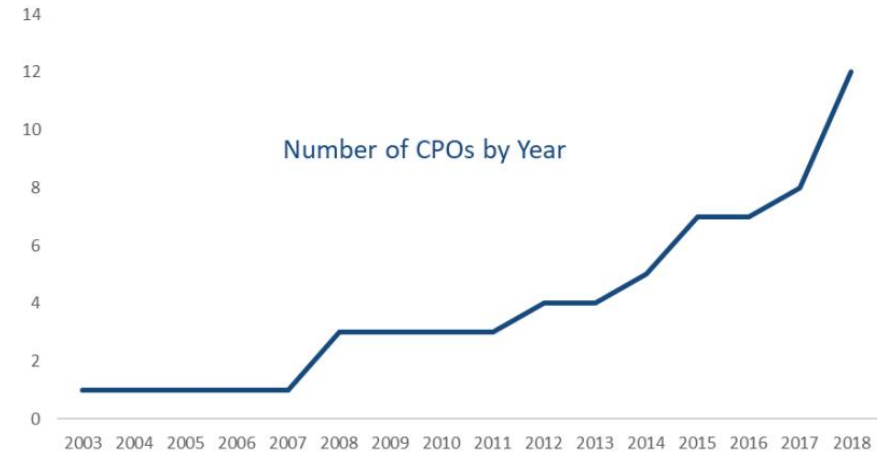


Map: Source: NCSL • Created with Datawrapper

STATEWIDE CHIEF PRIVACY OFFICERS (CPOs)

Twelve states; four mandated in law

- AR: “ensure all state agencies comply with federal and state laws”
- MA: “promote privacy and security in the use and dissemination of sensitive data...serve as ombudsman”
- OH: “advising state agencies...develop training programs”
- WA: “conduct an annual privacy review”



Chief Privacy Officers: A Growing Role
Perspectives on Privacy, NASCIO, March 2019

DATA BREACH NOTIFICATION LEGISLATION

Some trends

- Expand definitions of PI (health, genetic, biometric information...)
- Establish security practices
- Contractors/third parties must report breaches

QUESTIONS?

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