

ODP Workshop Summary: Key Discussions on Data Governance & Retention for Utah State Entities

Introduction: This document summarizes the key themes and discussions from the recent Office of Data Privacy (ODP) workshop. The session brought together representatives from various Utah state entities to explore current challenges, share insights, and discuss future directions in data governance, with a particular focus on record series, retention schedules, data disposition, and emerging privacy considerations.

Key Discussion Areas:

1. Record Series Management:

- **Importance & Challenges:** Record series were acknowledged as crucial for historical context, transparency, and tracking government activities. However, entities face difficulties in applying the concept, especially with data sharing where the classification and origin of received data can be unclear. There's a desire to ensure record series effectively support notice and retention without being overly burdensome.
- **Simplification Needed:** A strong consensus emerged on the need to simplify and reduce the granularity of record series. Examples from Commerce (consolidating license series) and Finance (creating broad, agency-specific schedules) were highlighted as positive steps.
- **Ownership & Data Flow:** Discussions touched on the complexities of determining record ownership, especially with copies versus originals, and how traditional record series concepts don't always align with modern, fluid data flows between systems and agencies.

2. Retention Schedules & Data Disposition:

- **Core Challenge:** A major focus was the difficulty entities experience in consistently disposing of data according to retention schedules. This is particularly problematic with older IT systems not designed for data deletion. While newer systems are incorporating these capabilities, legacy systems pose significant hurdles.
- **Practical Implementation:** The idea of exact-day deletion was deemed unrealistic by many. A more practical approach, such as annual batch deletion (e.g., organizing files by year and purging an entire year's worth of records at once, as Finance is implementing), was discussed favorably.
- **Systemic Issues:** It was noted that RFPs for past IT systems often didn't include requirements for data deletion capabilities, stemming from a historical paper-based mindset. The shift to digital has made disposition less visible ("out of sight, out of mind") compared to the physical space constraints of paper records.
- **Balancing Risk and Compliance:** Entities recognize the increased risk (especially in data breaches) of retaining data longer than necessary but struggle

with the operational and technical barriers to timely disposition. Federal mandates (e.g., for COVID-related funds) can also impose very long or permanent retention periods.

3. **Data Sharing Practices:**

- **Inter-Agency Challenges:** A significant concern is ensuring that when data is shared between agencies, the receiving agency understands the data's classification, permitted uses, and retention requirements.
- **Agreements & Standardization:** The importance of clear data sharing agreements to delineate ownership, usage restrictions, and deletion responsibilities was emphasized. Past issues with boilerplate agreements highlighted the need for specificity. There's an interest in exploring more standardized approaches or templates for data sharing to reduce the burden of numerous bespoke contracts.

4. **Privacy Considerations & Personal Data:**

- **Defining Personal Data:** Ongoing debates exist regarding what constitutes "personal data," particularly with agency-assigned numbers or database keys that can be used to access more extensive information.
- **Notice & Consent:** The importance of providing clear notice to individuals about how their data is used and for how long it's kept (informed consent) was stressed, suggesting this might be more effective for public understanding than relying solely on record series numbers.
- **Ethical Dimensions:** Privacy was framed as extending beyond technical security to include ethical considerations in data handling.

5. **IT Systems & Modernization:**

- **Legacy Systems:** A recurring theme was the challenge posed by legacy IT systems that lack built-in retention and disposition functionalities. The cost and complexity of replacing these systems are major barriers.
- **DTS Collaboration:** The need for close collaboration with the Department of Technology Services (DTS) was mentioned, including addressing issues like managing data in backups and handling intermingled data in databases that can complicate deletion.
- **Future-Proofing:** For new systems, there's a push to ensure that RFPs and development processes include requirements for data lifecycle management, including deletion capabilities.

6. **Simplification & Standardization Initiatives:**

- **Broad Support:** There is widespread support for simplifying record series and retention schedules, potentially moving towards fewer, broader categories or "buckets" (e.g., 3-year, 7-year, 10-year, permanent).

- **Entity-Specific Successes:** Agencies like Finance have successfully implemented simplified agency-specific retention schedules, reducing complexity for their specific record types.
- **State-Level Guidance:** A desire was expressed for more top-down, standardized guidance and tools from DARS and ODP to help agencies, rather than each entity developing solutions in isolation.

7. The Future of Data Governance: Digital Identity:

- **Long-Term Vision:** The workshop explored digital identity as a transformative, long-term strategy for data governance in Utah. The goal is to empower individuals with control over their identity and data.
- **Reducing Data Collection:** Verifiable credentials and digital identity systems could reduce the amount of personal data government entities need to collect by allowing individuals to prove specific attributes (e.g., age, income verification via a digitally signed assertion from the Tax Commission) without sharing all underlying documents.
- **Utah's Approach (SB-260):** Utah aims to develop a digital identity framework that prioritizes individual control and privacy, avoiding government or corporate surveillance models seen elsewhere. This involves enabling individuals to manage consents and control data sharing.
- **Challenges & Considerations:** Implementing digital identity involves addressing data storage, security, revocation mechanisms, and ensuring public trust.

8. Data Monetization & Public Benefit:

- **GRAMA & Commercial Use:** A significant discussion revolved around GRAMA requests where data is sought for commercial profit (e.g., marketing lists from hunting permits, uncashed check recovery services) rather than for government accountability.
- **Ethical Concerns:** Many participants expressed ethical concerns about being legally required to provide public data that is then monetized by private entities, sometimes at the expense of individuals (e.g., individuals becoming marketing targets).
- **Potential for Government Monetization (Synthetic Data):** An idea was floated that if there's economic value in government data, perhaps the government itself could create and monetize de-identified or synthetic datasets. The revenue could then offset taxes and benefit the public, rather than private entities profiting from raw public data. This would require careful separation from personal data and robust de-identification processes.

9. Collaboration, Training, and Building Trust:

- **Cultural Shift:** Effective data governance requires a cultural shift, including training leadership and decision-makers on privacy and records management principles from the outset of new projects or systems.

- **ODP & Legislative Engagement:** The ODP is working to build trust with the legislature and the public, demonstrating a commitment to improving data practices. Success stories, like DWS enhancing customer service through privacy-focused initiatives, help build this trust.
- **Certifications & Resources:** Plans for providing CIPP (Certified Information Privacy Professional) and CIPT (Certified Information Privacy Technologist) training were discussed as ways to build expertise within agencies.
- **Cross-Agency Collaboration:** The workshop itself was an example of valuable cross-agency dialogue. Continued collaboration and sharing of best practices are seen as essential.

Cross-Cutting Concerns & Takeaways:

- **Resource Constraints:** Many entities, particularly smaller ones, face limitations in funding and personnel dedicated to data governance and records management.
- **Need for Clear, Actionable Guidance:** There's a strong call for more simplified, practical, and standardized guidance, tools, and templates from central state authorities.
- **Balancing Compliance with Operational Reality:** Finding ways to meet legal requirements that are also operationally feasible for diverse agencies and varying technical capabilities is a key challenge.

Ongoing Efforts: The ODP, in collaboration with entities like UVU's Herbert Institute and DARS, is actively working on strategies to address these challenges, including the development of simplified models, promoting better IT system design, and fostering a culture of privacy and responsible data stewardship across Utah state government.