

# Global Justice Information Sharing Initiative (Global) Global Privacy and Information Quality Working Group (GPIQWG) Meeting

Baltimore, Maryland  
February 7–8, 2012

## February 7, 2012—Meeting Summary

### BACKGROUND AND PURPOSE

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and the Global Justice Information Sharing Initiative's (Global) Privacy and Information Quality Working Group (GPIQWG) convened a meeting on February 7, 2012, in Baltimore, Maryland, at 9:00 a.m. EST. The Honorable Anthony Capizzi (Judge Capizzi), Montgomery County, Ohio, Juvenile Court and GPIQWG Chair, led the meeting in furtherance of and alignment with the GPIQWG's *Vision and Mission Statements*. The following individuals were in attendance.

#### GPIQWG CHAIR

**The Honorable Anthony Capizzi**  
*Montgomery County, Ohio, Juvenile Court*

#### GPIQWG VICE CHAIR

**Mr. Phil Stevenson**  
*Arizona Criminal Justice Commission*

**Ms. Devon B. Adams**  
*Bureau of Justice Statistics*

**Mr. Robert P. Boehmer** (GAC Chair)  
*National Criminal Justice Association*

**Alan Carlson, Esquire**  
*Superior Court of California, County of Orange*

**Ms. Ayn Crawley**  
*U.S. Department of Homeland Security*

**Colonel Steven F. Cumoletti** (GAC member)  
*New York State Police*

**Ms. Brooke Dickson-Knowles**  
*Program Manager for the Information Sharing Environment*

**Ms. Becki R. Goggins**  
*Alabama Criminal Justice Information Center*

**Mr. Robert Greeves**  
*U.S. Department of Justice*

**Barbara Hurst, Esquire** (GAC member)  
*Rhode Island Office of the Public Defender*

**Ms. Anne Elizabeth Johnson**  
*National Governors Association*

**Mr. Thomas MacLellan**  
*National Governors Association*

**Mr. Michael McDonald**  
*Delaware State Police*

**Ms. Jennifer F. McNally**  
*Biometric Center of Excellence  
Federal Bureau of Investigation*

**Sheriff Michael Milstead**  
*Minnehaha County Sheriff's Office*

**Mr. Joe Mollner**  
*Boys & Girls Clubs of America*

**Mr. Dennis Mondoro**  
*Office of Juvenile Justice and Delinquency Prevention*

**Mr. Jason O'Neal**  
*Chickasaw National Lighthouse Police Department*

**Mr. Charles Robb**  
*National Association of State Chief Information Officers*

**Mr. Steve Schuetz**  
*National Institute of Justice*

**Mr. Steve Siegel**  
*Denver District Attorney's Office*

**Ms. Cindy Southworth**  
*National Network to End Domestic Violence*

## **GUEST OBSERVERS:**

### **Mr. Richard Fiore**

*Alabama Health Insurance Exchange*

### **Ms. Jennifer Wendel**

*Combined DNA Index System (CODIS)  
Federal Bureau of Investigation*

### **Mr. David O. Steingraber (GAC member)**

*National Governors Association*

## **IIR STAFF:**

### **Ms. Christina Abernathy**

*Institute for Intergovernmental Research*

### **Ms. Terri Pate**

*Institute for Intergovernmental Research*

### **Mr. John Wilson**

*Institute for Intergovernmental Research*

## **WELCOMING REMARKS AND INTRODUCTIONS**

Judge Capizzi welcomed the attendees to the meeting and thanked Mr. Jason O'Neal, Chief, Chickasaw National Lighthouse Police Department, for accepting an invitation to become a member of GPIQWG and represent tribal interests. Judge Capizzi also announced that longtime member Martha Steketee had resigned her seat on GPIQWG. To fill the vacancy, he welcomed GPIQWG privacy subject-matter expert (SME) Ms. Becki Goggins, Alabama Health Insurance Exchange, who also has the invitation for membership.

Judge Capizzi referred the attendees to the following products which were presented for final GPIQWG approval:

- *Privacy Principles of Familial DNA Searching: Privacy, Civil Rights, and Civil Liberties Policy Development Template*
- *Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Justice Entities*

Judge Capizzi also referred attendees to the draft "Global Product Outreach and Distribution Checklist" and requested, as time permits, that they add any agencies, Web sites, or other contacts that should be sent Global products for outreach purposes.

Finally, he requested feedback and changes on the November 15–16, 2011, GPIQWG draft meeting summary. Since there were none, the summary was approved.

Judge Capizzi provided an overview of the agenda (refer to attachment) and reminded the group that the next meeting would be held on June 19–20, 2012, in Savannah, Georgia.

## **GLOBAL UPDATES**

GAC Chairman Bob Boehmer, Director, Institute for Public Safety Partnerships (representing the National Criminal Justice Association), provided the following key Global updates.

- Since budgets are shrinking, Global will need to look at more efficient ways to hold meetings, such as Webinars, meeting locations that are more cost effective, etc.
- Mr. Boehmer referenced a conference call that he and Mr. Carl Wicklund, GAC Vice Chair and Director, American Probation and Parole Association (APPA), had with the Office of Juvenile Justice and Delinquency Prevention (OJJDP). He stated that the GAC has been reaching out to OJJDP to invite its participation on Global. He noted that OJJDP works with Global indirectly through the NIEM initiative, but that having OJJDP's participation on Global overall would be valuable for both groups. On the conference call, OJJDP recommended introducing Global to the Federal Advisory Committee on Juvenile Justice (FACJJ) as well as the Coordinating Council on Juvenile Justice and Delinquency Prevention (time scheduled at their meetings to talk about Global and specific collaborative requests).
- He spoke about the familial DNA issue paper, titled *An Introduction to Familial DNA Searching for State, Local, and Tribal Justice Agencies: Issues for Consideration*, approved by the GAC in October 2011. This paper was then vetted through the Deputy Attorney General's Office, as well as to the Director of OJP, both of whom recommended changes prior to its approval. It is currently in final review and should be approved soon. Because of this experience, we now plan to ensure that any Global products that address sensitive topics, such as familial DNA, are

reviewed and approved through OJP prior to submission to the GAC. The familial DNA searching privacy template will follow this process, once finalized by GPIQWG.

- Mr. Kshemendra Paul, Program Manager for the Information Sharing Environment, drafted a business paper with ideas and concepts about raising information sharing to a new level—cloud computing—and requested that the document be vetted through Global. The paper introduced ideas such as consolidating services using the cloud, colocating, etc. This effort may be led by a separate ad-hoc group or consortium. GAC members reviewed the proposal as it relates to justice information sharing and ensured that privacy and information quality were considered in the final paper. The GAC provided great recommendations and input, and the revised paper received unanimous GAC approval on February 6, 2012.
- The Criminal Intelligence Coordinating Council (CICC)/Global Intelligence Working Group (GIWG) released the First Amendment-protected event guidance (*Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies* and the *First Amendment Events – Rights of Participants*) and reference cards (*Role of State and Local Law Enforcement at First Amendment Events*) to help protect privacy, civil rights, and civil liberties during First Amendment-protected events.
- The CICC/GIQWG Privacy Committee is close to putting together a social media policy for investigative use of social media by law enforcement.
- The Global Infrastructure/Standards Working Group (GISWG) and the Global Security Working Group (GSWG) have been officially sunsetted with members reorganized into the Global Standards Council (GSC). Phil Stevenson, Ph.D., Arizona Criminal Justice Commission, who sits on the GSC, provided an update to the group on the GSC. The goal of the GSC is to oversee standards development in relation to the Global Reference Architecture (GRA), Global Federated Identity and Privilege Management (GFIPM), and Global privacy specifications. Mr. Stevenson said that the GSA is using a new collaboration tool—“Kavi”—with Global members and partners for vetting standards and service specifications. The GSC has made ten documents for public review located at the Global collaborative workspace—[www.globaljusticetools.net](http://www.globaljusticetools.net). These are service specification packages which are mechanisms for moving information exchange package documents (IEPDs) to Web services in a structured way. Some of these packages include arrests, warrants, and reentry. Once standards are full-adopted, products for industry are tested and certified using a Springboard environment through a partnership with the IJIS Institute.

#### **STATUS OF OTHER PRIVACY EFFORTS**

Mr. Bob Greeves, Policy Advisor, Bureau of Justice Assistance, spoke about a corrections privacy policy effort between the Association of State Correctional Administrators (ASCA) and the American Probation and Parole Association (APPA). The project focuses on reentry and the sharing of corrections, as well as on medical, substance abuse, and mental health information with various different sources (law enforcement, public safety, health, and community service providers). The participants completed a gap analysis that looks at the different state and local laws and regulations and have developed initial draft guidelines. Their next step is a meeting between ASCA and APPA to develop an implementation plan. They will focus on three pilot projects with Rhode Island, Maryland, and Hampden County, Massachusetts. The Maryland pilot is focused on subject abuse. Rhode Island is focused on sharing with six or seven community service providers. The Hampden County pilot is focused on 20 service provider areas. All three are dealing with how to use the corrections information in the community, especially in health and human services.

Ms. Ayn Crawley, Director, Civil Liberties Institute, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security (DHS), provided an update on DHS-related privacy, civil rights, and civil liberties work. She stated that she is working with DHS’ Privacy Office to expand training on privacy, civil rights, and civil liberties to include violent extremism. The Privacy Office is following up on a White House initiative by offering privacy and civil liberties training on combating violent extremism. The DHS Privacy Liberty portal—[www.privacyliberty.gov](http://www.privacyliberty.gov)—is about to complete a site refresh.

Mr. Thomas MacLellan, Program Director, Justice and Public Safety, Center for Best Practices (Center), National Governors Association (NGA), spoke about the recent privacy technical assistance effort with Connect South Dakota (SD). He thanked Ms. Christina Abernathy, IIR, and Ms. Becki Goggins, Alabama Health Insurance Exchange, for the privacy technical assistance they provided in the drafting of the Connect SD privacy policy on January 23–24, 2012.

Sheriff Mike Milstead, Minnehaha County, South Dakota, Sheriff's Office, stated that the draft policy is comprehensive and covers how every element will be handled through. Connect SD plans to put together a summary document for introducing the privacy concepts to chiefs and sheriffs to help with their understanding and to provide guidance on topics for training their personnel. Mr. MacLellan stated that their job at NGA is to catalog all the efforts taking place, to bring the right players to the table, and to help agencies move into the next generation of information sharing. To accomplish this, NGA's Center has established the Next Generation Justice Information Sharing Policy Academy. This academy will focus on a suite of Global products—GFIPM, Privacy, NIEM, GRA, etc. Five states already have been selected (Maryland, Kansas, Pennsylvania, Missouri, and Puerto Rico) as recipients of this academy.

Mr. MacLellan also stated that NGA is ready to launch a large project on prescription drug abuse. One issue NGA is coming up against early on is the issue of privacy of prescription drug information as it relates to sharing that information with law enforcement. This may be a topic NGA should consider addressing.

Jennifer McNally, M.S., J.S., management and program analyst, Biometric Center of Excellence, Criminal Justice Information Services Division, Federal Bureau of Investigation (FBI), stated that she is working on a project coordinating a series of legal and policy forums specific to facial recognition. Currently, the project is focused on federal agencies, but this could later expand to states and locals. Ms. McNally said that the center has had tremendous participation from federal government, law enforcement, intelligence, and security, and that it plans next to concentrate on privacy for this project. There may be some valuable input that GPIQWG could tap into on privacy implications of the use of biometric technologies. States and large local law enforcement agencies may have a role in recommending privacy policies for these technologies.

Mr. Steve Siegel, Director, Special Programs Unit, Denver District Attorney's Office, mentioned that OJJDP is funding the development of state coalitions that deal with juvenile human trafficking. He stated that this comprises a lot of rich data and that GPIQWG should reach out to OJJDP, since there is a lot of sensitive information handled through that effort. Mr. Siegel also stated that recent court rulings regarding the use of cell phones that have expanded or clarified how law enforcement can utilize cell phones.

#### **GLOBAL PRODUCT USE: ALABAMA HEALTH INSURANCE EXCHANGE**

Guest presenter Mr. Richard Fiore, Executive Director, Alabama Health Insurance Exchange, shared with the group that many of Global's products have been utilized in Alabama by the Alabama Criminal Justice Information Center, which received privacy technical assistance from NGA and GPIQWG's privacy experts. Because of the effectiveness of these Global solutions, the Alabama Health Insurance Exchange then is now taking that knowledge and the Global tools and applying it to the health and human services (HHS) field and to the Alabama Health Insurance Exchange. This will include NIEM, GFIPM, and the GRA. The plan is to roll out the exchange in 18 months. Since it has to be prepared to take open enrollment as early as October 2013, the goal is to be functional by October 2012.

Mr. Fiore expressed support for Global's and GPIQWG's venturing into collaborations with OJJDP and OJJDP's use of NIEM. He said that the Alabama Health Insurance Exchange had talked to Alabama's governor regarding the Global solutions and shared how the Exchange can help data and programs from existing information systems communicate with each other—not only in justice, but now in HHS—thanks to the maturity of the Global tools.

Mr. Fiore stated that some of the issues the Exchange faces are having quality information and enforcing privacy. He said that the health **insurance** exchange deals with enrollment of insurance and associated information but that the health **information** exchange (patient-level health record information) contains even more sensitive information. Thus quality and privacy are paramount. A priority for the Exchange is to have security from a system and policy standpoint, as well as privacy protections. Mr. Fiore said that it has been refreshing to see the positive attitude of the federal agencies involved in Global and their flexibility to allow funding to assist in these efforts.

Ms. Becki Goggins, Alabama Health Insurance Exchange and GPIQWG member, said that it has been an interesting process, since they have met with representatives from Medicaid/Medicare who have appreciated their emphasis on

privacy. While the technical specifications are pretty standard, there is little guidance on privacy (for example, credentialed, role-based levels of access). Global's privacy resources and implementation guidance (for example, the privacy technical framework and being able to take privacy policies and convert them into system language) put us a little ahead of the curve.

It is important to note that 50 states are having to do what Alabama is doing. Ms. Cindy Southworth, Vice President, National Network to End Domestic Violence (NNEDV), has talked with members of some of the state task teams who are working on these types of exchanges regarding the importance of locking down sensitive victim information. NNEDV is actively working to get access limited to protect the safety of these individuals.

Judge Capizzi thanked Mr. Fiore for the update and offered GPIQWG's assistance in the future.

#### **GLOBAL EXECUTIVE STEERING COMMITTEE: APPROVED 2012 PRIORITIES FOR GPIQWG**

Judge Capizzi referred the group to the 2012 GPIQWG Business Plan, which was approved at the January 2012 Global Executive Steering Committee (GESC) Planning Meeting. He described each deliverable (pages 3–5 of the plan) and GESC responses to the proposed deliverables.

We presented six deliverable recommendations to the GESC. We had very strong support from the GESC to move forward on the projects. The GESC acknowledged the vast amount of work put in on the 2011 products. Judge Capizzi stated that he was very proud of the work this committee contributed and that it was a pleasure being able to report on successes at the GESC meeting.

Judge Capizzi said that the business plan emphasizes GPIQWG's mission as a group, describes GPIQWG's accomplishments in 2011, and outlines what we plan to do in 2012. In addition, it describes partnerships, indicates the use of subject-matter experts for particular products, and includes a membership list. He stated that we currently have approval to hold three meetings this year but that we have to think about additional ways to get things done (for example, Webinars, online collaboration tools).

Judge Capizzi highlighted three of the deliverables (that were not slated on today's agenda for discussion), as follows:

1. **Privacy Resource for New Technologies**—This deliverable received the most positive response from the GESC. Judge Capizzi stated that our plan is to address privacy for new technologies proactively and said that the GESC felt there would be a long-range effect. This may not be a one-year project, but the goal will be to achieve a set of privacy principles and guidelines that could apply to any new technology. This will be a challenge to establish guidance for technologies that have yet to be developed. We will need to examine four or five current technologies to come up with baseline recommendations that would apply, later, to new technologies. The plan is to leverage the templates we have already developed and customize those by framing questions around technology. We should also include, in GPIQWG's focus, recommendations that help states when they are considering whether to adopt a new technology or not.
2. **Juvenile Justice Collaboration With OJJDP**—By the January GESC meeting, we did not have enough involvement with OJJDP to propose a specific project. Consequently, we decided to collaborate better with OJJDP in 2012 to determine what project may be useful to pursue together. We will continue to pull together GPIQWG members, especially our juvenile justice members, to make recommendations as we build our relationship with OJJDP and its advisory bodies.
3. **Information Quality Implementation Example(s)**—We plan to focus on a pilot (or several) to utilize the GPIQWG Information Quality Series products and to develop a lessons-learned resource or how-to examples to enable other agencies to evaluate the quality of the information within their own justice transactions. One suggestion has been to include juvenile justice information.

**GPIQWG PRODUCT STATUS: PRINCIPLES OF FAMILIAL DNA SEARCHING—PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES POLICY DEVELOPMENT TEMPLATE**

Mr. Stevenson referred the attendees to the draft of *Principles of Familial DNA Searching—Privacy, Civil Rights, and Civil Liberties Policy Development Template* (F-DNA Privacy Policy Template). This product has been reviewed by the working group, and Mr. Stevenson asked whether anyone needed more time to review it. He stated that this was their notice that the product is at the point of moving forward to BJA, OJP, and DOJ for review and approval, prior to the GAC submission. Since this is a familial DNA product, it is considered to be more sensitive material. As such, it will require significant review by DOJ before it is submitted to the GAC for approval. Having the Deputy Attorney General's Office review and approve these products is a positive approach, since ultimately, they will have the support of DOJ.

Mr. Dave Steingraber, NGA, raised one issue for the draft template, as follows: "As DNA technology advances, the forensic use may change. We've brought in subject-matter experts (SMEs) from the University of Wisconsin, who were shocked at how far more advanced they were in DNA in the research area than we were in the forensic world. Through that experience, NGA is able to forecast the expansion of the use of DNA in the forensic world. As such, what uses are more likely to change in the near or long term that may have an impact on this document, and should those be addressed now?" For example, there is a major crossover from the criminal justice to the U.S. Department of Defense (DoD) world. Ms. Jennifer Wendel, Unit Chief, Combined DNA Index System (CODIS), Federal Bureau of Investigation (FBI), said that future uses include looking at areas of DNA that give information about individual genetic traits to further identification (such as eye color), which eventually may lead to use by law enforcement and the intelligence community. Another possible future use is to collect a DNA sample at booking and be able to compare the profile with those stored in the national database (CODIS) to locate a direct hit to crimes that may have occurred in other areas. CODIS, of course, would have to go through an intense authorization process for this functionality and use to occur, but, conceivably, this may be down the road.

Mr. Stevenson asked the members whether we need to add or modify any of the content within the final draft of the template. One suggestion was to add to page 9 language that indicates that the policy template is based on the current use of F-DNA. Another suggestion (page 9, section A.) was to include a statement that F-DNA searching is not done within CODIS.

Mr. Stevenson stated that, once the template is published, the working group's next step is outreach. How can this template be distributed to states—those already performing familial DNA searching, those considering familial DNA searching, or all states, as well as local entities?

**Outreach Action Item:** Ms. Wendel said that she has a way to distribute the template to every CODIS-applied DNA laboratory. Also, Ms. Wendel will recommend putting a link on the CODIS Web site.

The meeting was adjourned for lunch at 12:00 Noon.

**GPIQWG PRODUCT STATUS: GUIDE TO CONDUCTING PRIVACY IMPACT ASSESSMENTS FOR STATE, LOCAL, AND TRIBAL JUSTICE ENTITIES**

Judge Capizzi thanked the privacy impact assessment (PIA) Task Team for their efforts in developing this product and those who provided input on the final draft. He asked whether the group had any further changes to the document.

Mr. Alan Carlson, Esquire, Chief Executive Officer, Superior Court of California, County of Orange, said that the court had just started a process with juvenile courts. He stated that the questions presented in the revised PIA template made it appear that entities have to have an information system in place in order to use the PIA. One comment was that if an entity is in the planning phase of an information system, ideally, the privacy risks can be addressed at the outset.

The document was approved by GPIQWG and will move from draft to final form for publication. Judge Capizzi requested input on how to move this document to the field. The affiliate list (Global Product Outreach and Distribution Checklist) is a great way to push Global privacy products to the field.

## **NEW PRODUCT FOR 2012: PRIVACY OFFICER 101 TRAINING RESOURCES**

Judge Capizzi reviewed the description for this deliverable from the 2012 GPIQWG Business Plan, which states:

“GPIQWG plans to develop a training resource for agency privacy officers (those who are either full-time privacy officers or who have assumed privacy officer responsibilities with the roles of their regular positions). In the *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities* (Privacy Guide), as well as in the template contained within the Privacy Guide’s appendix, agencies are guided not only to identify an individual who will assume the privacy officer role, but also to require that this individual be trained. Throughout the Fusion Center Privacy Technical Assistance Program (2008–2011), fusion centers consistently made two requests in relation to privacy officers: (1) a model **job description** and (2) a **list of available training**. Since neither of these wish-list items is currently available in one resource, this would be a good implementation-focused deliverable for GPIQWG to pursue. This Privacy Officer 101 is not only envisioned to include a listing of training resources/opportunities already available, but also may add additional training content specific to this role, as well as a basic job description (Note: Many of the privacy officer responsibilities are already described within the content of the Privacy Guide).”

It is important to note that DHS provides a train-the-trainer course for fusion center privacy officers and that DHS actively requests fusion center privacy officers to go through the training. In working with fusion center privacy officers, however, DHS has found that it is rare to find a dedicated privacy officer position. Rather, the individual is in the state attorney general’s office or working as an in-house counsel. How do you ensure the handling of privacy officer responsibilities when perhaps more than one position may handle the responsibilities? What we really are talking about is a privacy officer “function” within an agency. We should promote that this is how an agency can appoint and establish a privacy officer role. Also, since this position handles legal issues, entities should look to counsel for legal advice.

Whatever we produce, it must acknowledge that a lot of small agencies have few to no resources. This product would be helpful in reminding them that they do need to handle, in some fashion, privacy officer responsibilities. One suggestion is to utilize associations (chiefs, sheriffs) to help implement privacy protections.

At what point are we targeting the audience? Is our goal to get law enforcement agencies thinking about establishing a privacy officer position **before** they have issues, or to enable them to react, such as after a violation? In a law enforcement agency, if we were to establish this role, typically it would fall to a law enforcement officer and, as such, might rotate in the agency frequently. If entity privacy policies are to be consistent, we should emphasize that this function should be assigned to one individual who has the tenure and ability to provide continuity. It may end up with an individual holding a certain position within the agency who takes on the responsibilities of a privacy officer.

The product cannot convey a one-size-fits-all approach; otherwise, it will fail. The best approach is to describe the function but to go farther, possibly by creating examples of organizational models. Within the prosecutor’s environment, for example, it is the general counsel who advises the IT department on legal issues. In police departments, a city attorney provides such guidance. There are a lot of scenarios where this can come from. We should address where this function fits more neatly in an organization.

Tomorrow, a task team will be held to begin discussing and scoping this product.

## **REVISED PRODUCT FOR 2012: PRIVACY GUIDE OVERVIEW CD**

Mr. Stevenson stated that the 2012 GPIQWG Business Plan includes a revision to the current privacy guide overview CD, titled *Privacy Policy Development Guide and Implementation Templates Overview*. With the debut of the newest and third version of the privacy guide, the CD is now out of date. Our intent, he stated, is for the new CD to mirror the structure of the *Global Privacy Resources* booklet with a focus on highlighting all of the privacy resources rather than focusing only on the topics contained in the privacy guide. In addition, we plan to utilize the Privacy Program Cycle to

help illustrate where these resources fit and when to use them. We also will need recommendations on other resources that should be included.

**Action Item:** Ms. Abernathy, IIR, will develop a draft mock-up of the CD content for the group to review and, if needed and if funding is available, possibly convene an ad-hoc task team for completion. Several members volunteered for this team, if assembled. They were: Ms. Crawley; Barbara Hurst, Esquire, Rhode Island Office of the Public Defender; and Mr. Siegel.

#### **NEW PRODUCT FOR 2012: PRIVACY POLICY WIZARD**

Mr. Stevenson introduced the Privacy Policy Wizard product concept to GPIQWG, which was approved by the GESC in the 2012 GPIQWG Business Plan, excerpt to follow:

“GPIQWG plans to explore the development of a Privacy Policy Wizard which would be useful for many justice agencies, especially those with limited resources. Such a wizard would electronically walk a policy author through the discussion and drafting process of developing a privacy policy. This may include anecdotal and clarifying information for each recommended policy provision; sample language, explanations, and real-world application examples; and recommended policy language with fields for the author to customize his or her own policy onscreen.”

This resource, he said, would be a tool to assist smaller agencies in the task of drafting privacy policies. Similar to a decision-tree process (or path), the Web-based tool would walk users through the questions of the privacy policy template, providing them with sample language and prompts for further information, if needed, to help with their understanding of the question and policy provision.

One suggestion is to ask agencies where they are in the process of developing their information technology solutions—guiding the author to where an agency is in the process. South Dakota is planning to utilize associations and to sit down with chiefs and sheriffs to develop a model policy. This tool would be a perfect way to accomplish the task.

Would it be too big of a scope to integrate PIA questions into the Wizard?

This goes a lot farther towards making people think about the privacy policy. One concern about templates is that there is a blank, and people may simply adopt the sample language and move on. With a Wizard, there is a more thought-provoking process.

In some cases, the policy may be very simple, since there are agencies that are not custodians of information but only consumers. We should present a questionnaire for agencies to answer to allow the Wizard to customize the privacy questions presented. We could have drop-down bullets asking whether users create or store information, and, if so, what type(s) of information: criminal history, intelligence, tips and leads, suspicious activity reports (SARs), terrorism-related SARs (Information Sharing Environment [ISE] SARs [ISE-SAR]), etc. If an entity does not collect intelligence or SARs, those provisions would be skipped.

Would this be tailored for police officers, or will it speak to corrections, probation, parole, correction, pretrial services, etc?

Next steps should be included, such as guidance to vet the draft policy through legal counsel so that all citations are represented. Another next step is to provide suggestions on training. We also can guide people to their standard operating procedures (SOPs), concept of operations (ConOps) manuals, employee handbooks, etc. We need to have guidance that directs individuals to sources of policies already in existence.



## **CLOSING REMARKS**

Judge Capizzi reminded the attendees that the structure of tomorrow's meeting is to host two separate breakout group sessions—the Privacy Officer 101 Training Task Team and the Privacy Policy Wizard Task Team. Judge Capizzi asked the members to also begin thinking about the privacy model for new technologies and opened the topic up for discussion.

**Action Item:** Mr. Carlson will take the lead on getting a draft started on the privacy model for new technologies. He will work on a smaller team offline on the strategy and planning for the model policy for new technologies.

**Action Item:** Mr. Stevenson will look for pilots who will volunteer to use the Global Information Quality Series products.

Mr. Fiore expressed his appreciation for being able to attend the group and to provide an update on the Alabama Health Insurance Exchange initiative. He stated that participating in today's meeting helped to solidify how important this group is, not only for Ms. Goggins to attend but also for Alabama.

Judge Capizzi thanked everyone for their input and active participation. The meeting was adjourned at 4:15 p.m.

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Baltimore, Maryland  
February 7–8, 2012

## February 8, 2012—Meeting Summary

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and the Global Justice Information Sharing Initiative's (Global) Privacy and Information Quality Working Group (GPIQWG) convened a meeting on February 8, 2012, in Baltimore, Maryland, at 9:00 a.m. The Honorable Anthony Capizzi (Judge Capizzi), Montgomery County, Ohio, Juvenile Court and GPIQWG Chair, led the meeting in furtherance of and alignment with the GPIQWG's *Vision* and *Mission Statements*. The following individuals were in attendance.

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**Mr. John Wilson**  
*Institute for Intergovernmental Research*

## **WELCOMING REMARKS AND INTRODUCTIONS**

Judge Capizzi welcomed the attendees to the second day's meeting and described the format of today's breakout sessions. He reviewed the list of task team members, shown below, and guided the teams to focus on drafting and/or refining their respective draft products and identifying remaining tasks to be completed. Task team members were as follows:

### Privacy Officer 101 Task Team

Lead: Ayn Crawley  
Jennifer McNally  
Brooke Dickson-Knowles  
Joe Mollner  
Charles Robb  
Mike McDonald  
Steve Siegel  
Jennifer Wendel  
Jason O'Neal  
Terri Pate

### Privacy Policy Wizard Task Team

Lead: Phil Stevenson  
Christina Abernathy  
Becki Goggins  
Cindy Southworth  
Barbara Hurst  
Alan Carlson  
Bob Greeves  
Anne Johnson  
Steve Cumoletti  
Sheriff Mike Milstead  
John Wilson  
Steve Schuetz

## **TASK TEAM SYNOPSES AND STATUS REPORTS**

The two groups met until 11:15 a.m., at which time they provided the following task team status reports.

### Privacy Officer 101 Task Team

The team was assembled for the purpose of reviewing the privacy officer responsibilities, excerpted from the privacy guide, and the list of current training resources, and to begin drafting the structure and content of the Privacy Officer 101 resources.

Ms. Crawley stated that the team changed the focus from a "privacy officer 101" to a "privacy officer function" concept and wanted to break the language down to speak to the individual and smaller staffs. They wanted it to be applicable to any type of entity.

They planned to structure resource into three main areas:

1. An initial CEO-type overview to address why to have a privacy officer.
2. An assumption section to guide the reader to the appropriate source of information.
3. A responsibilities section.

Not every organization will have a privacy officer, and not every privacy officer will be a sworn officer. We need to make this broad.

The following are notes from the task team session:

- We need to emphasize that this is a task that needs to be assigned to someone. Include a short introductory paragraph that emphasizes the need for appointing a privacy officer, then move on to the function itself, roles and responsibilities, etc.
- The name should be something simple, like “Suggested Guidelines for Responsibilities and Training” or “Establishing a Privacy Officer Function: Recommended Responsibilities and Training.”
- We need to think of the target audience as one that is new to the privacy.
- Could this apply to organizations outside of law enforcement and justice?
- The document should start with basic assumptions, such as that an entity has a privacy policy in place and, if not, guide the entity to go back and develop one using the existing Global privacy tools. Also, assume that there is a privacy oversight function in place somewhere in the organization, and that there are specific authorities. Another assumption is that this document is geared toward an organization that is in the early stages of developing a privacy function.
- Need to stress in the introduction that the privacy officer does not have to be sworn and that the term “officer” means something different here.
- Is there anything in the Commission on Accreditation for Law Enforcement (CALEA) standards ([www.calea.org](http://www.calea.org)) that addresses the privacy issues or concerns that agencies must address? We also should check with Lexipol ([www.lexipol.com](http://www.lexipol.com)) regarding risk and best practices for law enforcement.
- Would like to see civil liberties included in the header of document, or, at a minimum, some definitions such as personally identifiable information (PII) and the ISE.
- We need to outline the scope of the privacy officer’s job with examples of things they might have to handle.
- Tribes are a different situation. Tribes that receive grant funding may have to comply with federal guidelines that might otherwise not apply. Most tribes do not have guidelines in place to deal with privacy and civil liberties.
- One of the important roles of the privacy officer is to train others in the organization about what the privacy policy entails, but training has to go both ways. The privacy officer also needs to be trained on what personnel tasks are and what he/she should be aware of (i.e., analytic products should be reviewed).
- Need to determine where cross-references to other documents should be mentioned in the document.

### **Privacy Policy Wizard Task Team**

This team was assembled to review the concepts presented in the SLT Privacy Policy Development Template, titled *Privacy, Civil Rights, and Civil Liberties Policy Development Template for State, Local, and Tribal Justice Entities*, and to determine how to structure this online Wizard tool to walk users through the physical prompts and processes of drafting a privacy policy. The following are notes from that discussion.

- Should there be an introduction as to where this tool fits within the Privacy Program Cycle, including a brief overview of it?
- We should include a link to this Wizard in the Global Privacy Resources CD that is currently in development (as a resource for stage 3).
- Provide a discussion on why there is not one model policy for all areas of the justice community.
- We should include an FAQ section.
- Add a section for legal citations (e.g., state compendium). A participant with the South Dakota Connect project suggested that we provide synopses of the citations we list in the back of the privacy template and how they are relevant to SLT entities to help them determine whether the citation applies to them.
- A hover that pops up on a term that has a definition or anecdotal information available.
- A section on “How Do I Use the Wizard?” with instruction on how to navigate the process.
- A way to emphasize the tabs (or sections) that the user is currently in.
- We should make it so that users do not have to go through the policy sections sequentially but provide menu tabs for choosing the sections they want to complete.

- Include real-world examples.
- Include links to sample policies.
- Users should be able to save their work “locally” and come back to any section (or module). While the format would be an online tool, saving would save a copy of the work to the user’s local network or hard drive.
- Should we include a meter as to how many sections the author has completed (for reinforcement)?
- We would like to have a field where users can enter the name of their entities and it will automatically populate all areas where name of entity should be inserted in the sample language (if they choose to use it).
- Include the ability to create placeholders, provide comments or flags for follow up for provisions that require further work.
- For the sample language provided, we need to give users the ability to draft their own language first, or choose the sample language and then customize it with form fields for areas that require the user to insert information (e.g., [insert retention period]) or have the Wizard highlight the blank, if left incomplete, for future completion.
- In the initial profile questionnaire (where users will select whether they collect and store information and the types of information collected), if users do not check any of the types of information, will the provisions simply not be presented (or seen) by users or will they be grayed out?

A sample of a filtering mechanism or agency profile may be as follows:

1. Does your agency gather, collect, use, maintain, and/or disseminate personally identifiable information (PII) or information about organizations?  
 (Note: A definition of “disseminate” would include pass-through environments.)  
 (Definition of PII.)
2. Do you have an existing privacy, civil rights, and civil liberties policy?  
 Answer:  
 Yes—Refer them to the Policy Review Checklist.  
 No—Move to privacy policy questions.
3. In preparation for this Wizard, you should have policy excerpts in hand (such as file-sharing and retention rules, user agreements, confidentiality and security requirements, etc.) from the following types of resources. [Include guidance to excerpt the relevant text or, at a minimum, a citation to the document, but only if that document is also available to the public. Advise that the user will need to insert the excerpt or citation prior to completion of the policy. ]
  - Mission Statement
  - Personnel Handbook
  - Operations Manual
  - ConOps
  - SOP
  - Information Security Policy
  - Data Retention Policy
  - Nondisclosure Agreements
4. Do you handle any of these types of information? (Select all that apply) [Provide definitions to terms.]
  - Intelligence
  - Tips and leads
  - Suspicious activity reports
  - Sensitive (nonpublic) information (e.g., driver’s license information, investigative files, victim/witness information)

**Action Items:**

- Ms. Abernathy will divide up the list of federal laws from the SLT Policy Development Template and ask each of GPIQWG's members who are attorneys to write a synopsis. This will help distribute the work of researching each citation to 5 or 6 cites per individual. These will be consolidated and updated in the privacy guide and the template, and used for the Wizard as well.
- Ms. Goggins will review the provisions and identify those which, through her privacy technical assistance experiences, generally have prompted questions and will draft real-world explanations.
- Mr. John Wilson, IIR, will review the ISE-relevant provisions and also will draft further explanations.
- A drafting session will be held among Ms. Abernathy, Ms. Goggins, and Mr. Wilson to begin scripting the Wizard.

**NEXT STEPS AND CLOSING REMARKS**

Judge Capizzi reviewed the meeting action items and encouraged those responsible for specific writing tasks to complete them in a timely fashion and send them to Ms. Abernathy. Judge Capizzi thanked everyone for their participation and hard work during the breakout sessions today and for IIR's staff support. He reminded the attendees of the next meeting, which will be held on June 19 and 20, 2012.

The meeting was adjourned at 11:40 a.m.

# Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



Renaissance Harbor Place Hotel  
202 East Pratt Street  
Baltimore, MD 21202  
(410) 547-1200  
  
Baltimore A Ballroom



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## *Agenda—Tuesday, February 7, 2012*

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9:00 a.m. – 9:20 a.m.

### **Welcoming Remarks and Overview**

*The Honorable Anthony Capizzi, GPIQWG Chair and Judge,  
Montgomery County, Ohio, Juvenile Court*

#### **Topics**

- ◆ Welcome:
  - Newly appointed tribal justice member—Mr. Jason O’Neal, Chief of Police, Chickasaw Nation Lighthorse Police Department, Oklahoma
- ◆ Status—Ms. Tammy Woodhams, Senior Staff Associate, National Criminal Justice Association
- ◆ Final draft products for GPIQWG approval (in meeting folders):
  - *Privacy Principles of Familial DNA Searching: Privacy, Civil Rights, and Civil Liberties Policy Development Template*
  - *Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Justice Entities*
- ◆ Global Product Outreach and Distribution Checklist (in meeting folders)
- ◆ November 15–16, 2011, GPIQWG draft meeting summary
- ◆ Agenda overview
- ◆ Next GPIQWG meeting date for 2012

9:20 a.m. – 9:45 a.m.

### **Global Updates**

*Bob Boehmer, GAC Chair and Director, Institute for Public Safety Partnerships,  
University of Illinois at Chicago, representing National Criminal Justice Association*

#### **Topics**

- ◆ December 19, 2011, GAC leadership conference call with the Office of Juvenile Justice and Delinquency Prevention (OJJDP)
  - Coordinating Council on Juvenile Justice and Delinquency Prevention
  - Federal Advisory Committee on Juvenile Justice
- ◆ Meeting updates:
  - GESC Annual Planning Meeting—January 17–18, 2012
  - GESC, April 10, 2012, and Global Advisory Committee (GAC), April 11, 2012
  - GESC Summer Planning Meeting—July 28, 2012
- ◆ GAC product review and approval process for BJA/OJP/DOJ
- ◆ Global Standards Council (GSC) update – Phil Stevenson, Ph.D.
- ◆ Global working group updates (in meeting folders)

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## *Agenda—Tuesday, February 7, 2012 (continued)*

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9:45 a.m. – 10:15 a.m.

### **Status of Other Privacy Efforts**

*Mr. Bob Greeves, Policy Advisor, Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ)*

*Mr. Thomas MacLellan, Program Director, Justice and Public Safety, Center for Best Practices, National Governors Association*

*Ms. Ayn Crawley, Director, Civil Liberties Institute, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security*

#### **Projects**

- ◆ Status of privacy policy initiative for reentry information, sponsored by the Association of State Correctional Administrators (ASCA) and the American Probation and Parole Association (APPA)
- ◆ NGA Privacy technical assistance effort—Connect South Dakota
- ◆ NGA Next Generation Justice Information Sharing Policy Academy
- ◆ DHS Privacy and Civil Liberties Portal and other privacy initiatives
- ◆ Other project updates

10:15 a.m. – 10:30 a.m.

### ***Break***

10:30 a.m. – 10:45 a.m.

### **Global Product Use—Alabama Health Insurance Exchange**

*Richard Fiore, Executive Director, Alabama Health Insurance Exchange*

#### **Topics**

- ◆ Use of Global products in Alabama
- ◆ Extensibility of products to new consumers

10:45 a.m. – 11:00 a.m.

### **GESC Approved 2012 Priorities for GPIQWG**

*Judge Capizzi*

#### **Topics**

- ◆ GESC approved 2012 GPIQWG Business Plan overview
  - Deliverables development plan
- ◆ Identification of needed subject-matter expertise



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## *Agenda—Tuesday, February 7, 2012 (continued)*

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- 11:00 a.m. – 11:30 a.m.      **GPIQWG Product Status: Principles of Familial DNA Searching—Privacy, Civil Rights, and Civil Liberties Policy Development Template**  
*Mr. Phil Stevenson, GPIQWG Vice Chair and Director, Statistical Analysis Center, Arizona Criminal Justice Commission*
- Topics
- ◆ Final product review and approval
  - ◆ Next step—review through BJA/OJP
  - ◆ Recommendations for April GAC approval
  - ◆ Outreach of product to states implementing familial DNA searching
- 11:30 a.m. – 12:00 Noon      **GPIQWG Product Status: Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Justice Entities**  
*Judge Capizzi*
- Topics
- ◆ Final product review and approval
  - ◆ Next steps
- 12:00 Noon – 1:30 p.m.      *Lunch (on your own)*
- 1:30 p.m. – 2:30 p.m.      **New Product for 2012: Privacy Officer 101 Training Resource**  
*Judge Capizzi*
- Topics
- ◆ Goal of deliverable and target audience
  - ◆ Sample roles, responsibilities, and training resource list (in meeting folders)
  - ◆ Development plan
  - ◆ Recommendations for breakout session task team
- 2:30 p.m. – 3:00 p.m.      **Revised Product for 2012: Privacy Guide Overview CD**  
*Mr. Stevenson*
- Topics
- ◆ Review of *Global Privacy Resources* booklet for deliverable format
  - ◆ Integration of Privacy Program Cycle in CD layout
  - ◆ Other resources to include
  - ◆ Development plan
    - Appointment of small GPIQWG task team

# Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



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## *Agenda—Tuesday, February 7, 2012 (continued)*

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- 3:00 p.m. – 3:15 p.m.      *Break*
- 3:15 p.m. – 4:15 p.m.      **New Product for 2012: Privacy Policy Wizard**  
*Mr. Stevenson*  
**Topics**
  - ◆ Goal of deliverable and target audience
  - ◆ Development plan
  - ◆ Recommendations for breakout session task team
- 4:15 p.m. – 4:30 p.m.      **Next Steps and Closing Remarks**  
*Judge Capizzi*  
**Topics**
  - ◆ Review of today's action items
  - ◆ Plan for the following day's GPIQWG meeting
- 4:30 p.m.                      *Adjournment*

# Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



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## *Agenda—Wednesday, February 8, 2012*

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9:00 a.m. – 9:15 a.m.

### **Introduction and Charge for the Day**

*Judge Capizzi*

#### **Topics**

- ◆ Welcome
- ◆ Review of today's goals and charge to the task teams
  - **Privacy Officer 101 Training Task Team**
    - Appointment of team lead
    - Identification of team members
  - **Privacy Policy Wizard Task Team**
    - Appointment of team lead
    - Identification of team members

9:15 a.m. – 10:15 a.m.

### **Breakout Sessions**

*Judge Capizzi*

#### **GPIQWG Breakout Groups**

- ◆ **Privacy Officer 101 Training Task Team**
  - Scope and target audience
  - Format of deliverable
  - Identification of concepts for effective privacy training
  - Review of list of existing training resource and recommendations
  - Determination of training gaps
  - Review of privacy officer responsibilities outline
  - Task team assignments
- ◆ **Privacy Policy Wizard Task Team**
  - Scope target audience
  - Format of deliverable
  - Identification of guidance topics to include
  - Review of SLT Policy Development Template
  - Privacy technical assistance provider input
  - Task team assignments

10:15 a.m. – 10:30 a.m.

### ***Break***

# Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



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## *Agenda—Wednesday, February 8, 2012*

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- 10:30 a.m. – 11:30 a.m.      **Breakout Sessions** *(continued)*
- 11:30 a.m. – 11:45 a.m.      **GPIQWG Task Team Status Reports**  
*Judge Capizzi*  
Topics  
    ◆ Privacy Officer 101 Training Task Team  
    ◆ Privacy Policy Wizard Task Team
- 11:45 a.m. – 12:00 Noon      **Next Steps and Closing Remarks**  
*Judge Capizzi*  
Topics  
    ◆ Review of action items and assignment of tasks  
    ◆ Reminder, next 2012 GPIQWG meeting
- 12:00 Noon                      **Adjournment**



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice