

Washington Management Service (WMS) Position Description

For assistance completing this form, contact your WMS Coordinator.

Position Information		
Position Title: Chief Privacy Officer	Position Number/Object Abbreviation: 71075983	
Incumbent's Name (If filled position): Vacant	Agency/Division/Unit: DOH/The Center for Facilities, Risk and Adjudication (CFRA)/Office of Enterprise Risk Management (OERM)	
Address Where Position Is Located: 101 Israel Road, Tumwater, WA	Work Schedule: Part Time <input type="checkbox"/> Full Time <input checked="" type="checkbox"/>	Overtime Eligible: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Supervisor's Name and Title: Evan Gaffey, Director, Office of Enterprise Risk Management (OERM)	Supervisor's Phone: (360) 522-3462	

Organizational Structure
Summarize the functions of the position's division/unit and how this position fits into the agency structure (attach an organizational chart).
The position sits within The Center for Facilities, Risk and Adjudication and reports to the Director within the Office of Enterprise Risk Management.
Position Objective
Describe the position's main purpose, include what the position is required to accomplish and major outcomes produced. Summarize the scope of impact, responsibilities, and how the position supports/contributes to the mission of the organization.
<p>The Chief Privacy Officer functions as the agency subject matter expert on matters related to privacy, confidentiality, and health care information management and provides expert advice and support on privacy and confidentiality matters for the entire agency, making independent review of all aspects of the agency's privacy and confidentiality policies and activities. This position provides support and advice to the agency's leadership regarding planning, leading, and strategically managing a reliable and legally compliant privacy program.</p> <p>The Chief Privacy Officer ensures the agency and its employees follow state and federal privacy and confidentiality legal requirements. The position is authorized to make policy and procedure decisions about privacy, data sharing, and confidentiality and has the flexibility to interpret those policies and procedures to the best advantage of the agency. The position also provides advice and consultation regarding the sharing of confidential information with outside entities.</p>
Assigned Work Activities (Duties and Tasks)
Describe the duties and tasks, and underline the essential functions. Functions listed in this section are primary duties and are fundamental to why the position exists. For more guidance, see Essential Functions Guide .
<ul style="list-style-type: none"> Serve as DOH's designated point-of-contact on state and federal privacy and confidentiality requirements. Provide an advanced level of expertise to the agency on state and federal privacy and confidentiality legal requirements. Review and advise on Data Sharing Agreements (DSAs) and coordinate with other resources as relevant to the situation (i.e., HTS, HR, SAO, SOS, AGO, etc.). Create and conduct continuous training of DOH's entire workforce on state and federal privacy and confidentiality legal requirements. Draft, implement, and maintain appropriate privacy policies, procedures, and notices of privacy practices.



- Establish agency guidelines and best practices to ensure long range agency wide implementation of privacy and confidentiality practices.
- Direct and lead the agency's implementation of changes in privacy laws and agency rule adoption.
- Serve as DOH's designated internal expert and designated point of contact to receive questions, comments, and complaints related to privacy and confidentiality matters.
- Oversee and monitor privacy and confidentiality issues to resolution and document actions taken.
- Investigate privacy and confidentiality complaints concerning DOH and resolve them when possible.
- Recommend, develop, implement, and oversee corrective action and mitigation efforts to address deficient practices and improve compliance with privacy and confidentiality practices.
- Perform periodic risk assessments related to privacy and breach notification under state and federal privacy laws, including HIPAA (the Health Insurance Portability and Accountability Act).
- Assess DOH risk and plan for long range agency privacy and confidentiality compliance.
- Construct and lead the agency's breach risk assessment process. As needed, report breaches to executive leadership, facilitate citizen and media notification, and respond to citizen and media inquiries.
- Working with the agency Chief Information Security Officer, investigate breaches or potential breaches of confidential information. Serve as the lead for the agency in providing required breach notifications to the relevant agencies, including the Office of Civil Rights, the Attorney General's Office, the media, and impacted individuals regarding breaches of confidential information.
- Investigate and respond to privacy enforcement actions and inquires as the lead designee for the entire agency. This includes providing guidance to appointing authorities regarding any written responses and approving all materials sent to outside entities.
- Coordinate with appropriate entities in any compliance review, audit, or investigation.
- Coordinate with the agency Chief Information Security Officer on tasks and issues of common applicability, including participating in risk analysis process and breach investigations to represent privacy perspective.
- Serve as core resource and subject matter expert on interagency workgroups and projects.
- Analyze bills, legislation, and proposed and final rules for the agency.
- Other duties as assigned.

Accountability – Scope of Control and Influence

Provide examples of the resources and/or policies that are controlled and influenced.

This position has primary responsibility for developing, maintaining, and implementing DOH's policies and procedures relating to compliance with privacy laws, breach notification laws, and all other state and federal privacy and confidentiality requirements.

Describe the scope of accountability.

This position provides expert level advice and support on privacy and confidentiality matters for the entire agency and makes independent review of all aspects of the agency's compliance with privacy and confidentiality laws. This position is expected to provide legal analysis and support to any agency program.

This position ensures that the agency and its employees follow state and federal privacy and confidentiality requirements. This position is authorized to make policy and procedure decisions about privacy and confidentiality and has the flexibility to interpret those policies and procedures to the best advantage of the agency. The position also has designated decision-making authority for determining when legal review or advice should be acquired from the Attorney General's Office on issues related to public disclosure, privacy, and confidentiality.

Work of this position is essential to ensure the agency's compliance with privacy laws and regulations and to protect the privacy of data and information it holds.

Describe the potential impact of error or consequence of error (impacts unit, division, agency, state).

Careful consideration of interpretations and applications of rules, case law, state and federal statutes is necessary to ensure equitable and consistent approaches and responses to inquiries. Impact errors would be agency-wide. Strict laws dictate agency responsibilities with regard to privacy and confidentiality.



- Failure to implement and maintain appropriate privacy policies, procedures, and notices of privacy practices.
- Failure to create and conduct continuous training of DOH's entire workforce on state and federal privacy and confidentiality requirements.
- Failure to appropriately investigate and resolve privacy violations and breaches.
- Failure to advise and direct competent mitigation strategies for the agency if a major breach occurs.
- Failure in any of these areas could impact the agency legally and financially and harm its reputation.

Financial Dimensions

Describe the type and annual amount of all monies that the position directly controls. Identify other revenue sources managed by the position and what type of influence/impact it has over those sources.

Operating budget controlled.

- None

Other financial influences/impacts.

- Position is responsible to oversee and respond to privacy violations and breaches which can result in enforcement actions with risk of significant penalties (ranging into the millions of dollars per fine) that are not included in agency budget. See "potential impact" above.
- Legal interpretation and policy development have a direct effect on the fiscal condition/solvency of DOH programs. Inadequately researched or wrong recommendations and decision could adversely affect the state through lawsuits and fines.

Supervisory Responsibilities

Supervisory Position: Yes No

If **yes**, list total full time equivalents (FTE's) managed and highest position title.

1.0 FTE MA5 (subject to budget availability)

Decision Making and Policy Impact

Explain the position's policy impact (applying, developing or determining how the agency will implement).

This position develops and implements the agency's policies related to privacy and confidentiality of agency information. The Chief Privacy Officer is the agency's primary subject matter expert, business process owner, and designated lead to develop, modify, implement, and oversee the agency's privacy policies, procedures, and best practices. Decision by this position impact all of DOH's employees and its clients.

This position is also tasked with making final decisions on how DOH proceeds in complying with the law. The Chief Privacy Officer is expected to exercise discretion in determining when advice from the Attorney General's Office should be sought.

Is the position responsible for making significant recommendations due to expertise or knowledge? If yes, provide examples of the types of recommendations made and to whom.

Yes, the Chief Privacy Officer will use expertise and knowledge to make recommendations to agency leadership regarding how the agency complies with state and federal privacy and confidentiality laws and requirements, assess core business operations, recommend improvements to enhance efficiency and effectiveness, and identify risk areas/gaps and recommend options to close the gaps to reduce risks.

Areas where significant recommendations will be made, include:

- Adoption of agency policies and procedures related to privacy and confidentiality;
- The agency's corrective actions or mitigation efforts to address compliance with privacy legal requirements;
- The agency's response to high profile privacy related complaints and issues – including the agency's breach risk assessments;
- The agency's position when analyzing privacy legislation and litigation;
- How the agency responds to changes in privacy laws, rules, court decision, etc.; and



- The agency's priorities and course of action in response to compliance plans as a result of audits and investigations by federal and state regulations.

Explain the major decision-making responsibilities this position has full authority to make.

The Chief Privacy Officer has full responsibility for program policy development and implementation. The ability to identify resources and then work collaboratively to create a final product that is accepted and supported is critical to the success of establishing systems approaches that meet business needs and reduce agency risk.

This position has the authority to determine how to conduct a privacy investigation, directs that work, and completes the agency's breach risk assessments.

Describe whether decisions are of a tactical or strategic nature and how decisions are made. For example, is there known precedent, is it somewhat unfamiliar, or unknown and unexplored?

The position makes tactical and strategic decisions related to state and federal privacy and confidential laws and requirements. An example of a tactical decision would be directing the agency how to handle a particular privacy investigation. An example of a strategic decision is the development of long term agency practices and procedures related to compliance with state and federal privacy and confidentiality laws and regulations.

Other strategic decisions requiring skill at planning for long range impact of five years or longer because many privacy issues are highly complex and unclear. In particular, privacy and confidentiality rules continue to evolve and be amended every few years and require advanced legal expertise to interpret and apply the new laws and rules. Often issues are new or unique and require legal analysis and assessment of risk to determine how to proceed, particularly with respect to how to implement privacy requirements in a government setting with a large and diverse number of programs serving many clients in different ways.

Legal research, seeking out individuals with experience in the issue at hand, and stakeholdering proposed decisions with diverse groups and individuals are often employed in making appropriate decisions.

What are the risks or consequences of the recommendations or decisions?

There is a risk of harm to members of the public from failing to protect their private and confidential information. For the agency, the risks and consequences of inappropriately made decisions could result in litigation, adverse audit findings, and significant fines. This position is a primary line of defense for keeping the agency in compliance with privacy and breach laws and regulations.

Qualifications – Knowledge, Skills, and Abilities

List the education, experience, licenses, certifications, and competencies.

Required Education, Experience, and Competencies.

- Bachelor's degree in health information management or public or business administration, organizational leadership or a related field.
- Three (3) or more years of professional experience in one (1) or more of the following disciplines: working with privacy and confidentiality laws, or conducting research and analyzing policies, laws, rules, or regulations.
- Demonstrated experience in the following:
 - Working with agency leadership, business unit managers and staff to document privacy and confidentiality activities and the application of law to resolve challenges.



- Knowledge and experience in state and federal information privacy laws, including but not limited to HIPAA.
- Demonstrated organization, facilitation, written and oral communication, and presentation skills.
- Proficiently translating complex information issues into readily understood concepts for staff, management, and the public.

Preferred Education, Experience, and Competencies.

- Juris Doctor degree from an ABA-accredited law school (not required to be an active member of the bar association)
- Any of the following certifications:
 - Certified in Healthcare Privacy and Security (CHPS)
 - Registered Health Information Administrator (RHIA)
 - Certified Information Privacy Professional (CIPP)

As well as demonstrated experience in the following leadership competencies:

- **Strategic Mindset** – Seeing ahead to future possibilities and translating them into breakthrough strategies.
- **Collaborates** – Building partnerships and working collaboratively with others to meet shared objectives.
- **Organizational Savvy** – Maneuvering comfortably through complex policy, process, and people-related organizational dynamics.
- **Balances Stakeholders** – Anticipating and balancing the needs of multiple stakeholders.
- **Drives Vision and Purpose** – Painting a compelling picture of the vision and strategy that motivates others to action.
- **Interpersonal Savvy** – Relating openly and comfortable with diverse groups of people.
- **Manages Complexity** – Making sense of complex, high quantity, and sometimes contradictory information to effectively solve problems.
- **Ensures Accountability** – Hold self and others accountable to meet commitments.
- **Action Oriented** – Taking on new opportunities and touch challenges with a sense of urgency, high energy, and enthusiasm
- **Plans and Aligns** – Planning and prioritizing work to meet commitments aligned with organizational goals.
- **Builds Networks** – Effectively building formal and informal relationships inside and outside the organization.
- **Values Differences** – Recognizing the value that different perspectives and cultures bring to an organization.
- **Outward Mindset** – The ability to see others as people who matter like we do and take into account their needs, challenges, and objectives.
- **Equity Diversity and Inclusion** – A demonstrated commitment to promoting and fostering an inclusive and culturally humble environment for all individuals, including those who come from traditionally marginalized background.

Special Requirements/Conditions of Employment

List special requirements or conditions of employment beyond the qualifications above.

None

Working Conditions

Work Setting, including hazards:	The position’s assigned duty station is in Tumwater, Washington, in the Town Center campus. Work performed is almost exclusively performed remotely.
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Schedule (i.e., hours and days):	Position is overtime exempt. Incumbent is expected to work a 40-hour work week and may adjust their schedule to work additional hours as needed to meet business demands and deadlines.
Travel Requirements:	Position may require some travel within the Tumwater/Olympia area and occasionally to other locations throughout the state. Occasional overnight travel may be needed to attend or participate in conferences both in-state and out-of-state.
Tools and Equipment:	Office duties require use of standard office equipment and furniture (desks, files, desktop/laptop computers, phone, copy/scan/fax machines, etc.).
Customer Relations:	The position requires frequent contact and communication with customers within DOH and external contact with other agencies, including the OCIO, AGO, and other state and local government staff and partners.
Other:	

Acknowledgement of Position Description	
The signatures below indicate that the job duties as defined above are an accurate reflection of the work performed by this position.	
Date: 12/1/2022	Supervisor's Signature (required): /s/Evan Gaffey
Date: 12/01/2022	Appointing Authority's Name and Title: Robin Bucknell, Chief of CFRA Signature (required): /s/Robin Bucknell
As the incumbent in this position, I have received a copy of this position description.	
Date:	Employee's Signature:

Position details and related actions taken by Human Resources will be reflected on the Position Evaluation Summary form.

