North Carolina’s Approach to Privacy & AI

Presentation for the Task Force on
Artificial Intelligence, Cybersecurity and Privacy
National Conference of State Legislatures

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North Carolina’s Approach to Privacy Across the State

- Created the role of Chief Privacy Officer
- CPO
  - Assessed status of existing privacy efforts and performed a gap analysis
  - Reviewed alignment of laws with industry privacy and data protection best practices
  - Created a privacy plan
- Created the Foundations of Privacy Program
  - Privacy awareness
  - Embedded privacy points of contact
  - Adopted the Fair Information Practice Principles (FIPPs)
  - Privacy training
  - Monthly privacy meetings
  - Website
  - Services
- Efforts in 2023 to pass a state privacy law - Senate Bill 525
Office of Privacy & Data Protection

State Agency Resources

- About the Office
- Privacy Services
- Laws, Policies & Guidance
- Training & Resources
- Fair Information Practice Principles

it.nc.gov/privacy
Privacy & Cybersecurity-Related and Distinct Fields

Privacy
- Management
- Notice
- Choice & Content
- Use
- Retention
- Quality

Security
- Risk Assessment
- Data Disposal
- Access & Authentication
- Disclosure to Third Parties
- Monitoring & Enforcement
- Awareness & Training
- Incident Response
- Auditing
- Configuration Management
- Contingency Planning
- Maintenance
- Security & Protection
- Media & System
Privacy Laws in North Carolina

Privacy Laws, Policies & Guidance

- Provides links to state privacy laws including criminal statute, consumer protection, student privacy, and employee privacy laws

N.C. General Statutes - Chapter 143B Article 15: N.C. Department of Information Technology

- **N.C.G.S. 143B-1376 - Statewide Security and Privacy Standards**

N.C. General Statutes - Chapter 75 Article 2A: Identity Theft Protection Act

- **N.C. General Statutes - Chapter 14, Article 19C, Identity Theft, 14-113.20, Identifying Information** (provides a list of types of identifying information)

N.C. General Statutes - **Chapter 132: Public Records**
Office of Privacy & Data Protection

- Budget approved to hire staff members
- Budget approved to move forward with data inventory
- Working with Enterprise Security and Risk Management Office to implement NIST SP 800-53 Revision 5, Security and Privacy Controls for Information Systems and Organizations
- Guided by OMB Circular A-130, Managing Information as a Strategic Resource
- Plans to implement NIST Privacy Framework and related guidance
North Carolina’s Approach to Governing Artificial Intelligence

Using NIST Standard Definitions

- **Artificial intelligence**: Artificial intelligence is the field concerned with developing techniques to allow computers to act in a manner that seems like an intelligent organism, such as a human would.

- **Generative AI**: A kind of artificial intelligence capable of generating new content such as code, images, music, text (e.g., ChatGPT), simulations, 3D objects, videos, etc.

- **Responsible AI**: An AI system that aligns development and behavior to goals and values. This includes developing and fielding AI technology in a manner that is consistent with democratic values.

- **Trustworthy AI**: Characteristics of trustworthy AI systems include valid and reliable, safe, secure and resilient, accountable and transparent, explainable and interpretable, privacy-enhanced, and fair with harmful bias managed.

NIST Glossary of AI Terms, March 2023
Framework for Responsible Use of Artificial Intelligence

- *In draft*

- Applies to all artificial intelligence

- Includes six principles:
  - Human-centered
  - Transparency and explainability
  - Security and safety
  - Data privacy, protection, and governance
  - Diversity, non-discrimination, and fairness
  - Auditing and accountability

- Recommends using the NIST AI Risk Management Framework (AI RMF) to assess and manage risk to individuals, organizations, and society associated with AI

- Recommends implementing an AI inventory
Interim Guidance for Use of Generative AI

- In draft – stakeholders review

- Guidance includes:
  - Training and awareness
  - Agency assessment and documentation of use
  - Ensuring responsible use and accuracy
  - Use of AI-generated visual, audio, and video Content
  - Reporting and escalation
  - AI and public records
  - Risks and limitations of generative AI

- Chart

- Definitions

- Appendix for use case/specific guidance
Questions?

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