

City of Seattle Privacy Impact Assessment

BUILDING TUNE-UPS PROJECT

Owner: Office of Sustainability and Environment

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PURPOSE OF PIA

A Privacy Impact Assessment is designed to outline the anticipated privacy impacts from a City project/program or project/program update that collects, manages, retains or shares personal information from the public. The PIA will provide project/program details that will be used to determine how privacy impacts may be mitigated or reduced in accordance with the City of Seattle Privacy Principles and Privacy Statement.

ABSTRACT

Please provide a brief abstract. *The abstract is the single paragraph that will be used to describe the project and will be published on the Privacy Program website. It should be a minimum of three sentences and a maximum of four, and use the following format:*

- The first sentence should include the name of the project, technology, pilot, or project/program (hereinafter referred to as “project/program”).*
- The second sentence should be a brief description of the project/program and its function.*
- The third sentence should explain the reason the project/program is being created or updated and why the PIA is required. This sentence should include the reasons that caused the project/program to be identified as a “privacy sensitive system” in the Privacy Intake Form, such as the project/program requiring personal information, or the technology being considered privacy sensitive.*

The Building Tune-Ups (BTU) Project operationalizes a building efficiency ordinance adopted in March 2016 to help meet Seattle’s climate goals to become carbon neutral by 2050. Seattle Municipal Code Chapter 22.930 requires owners of nonresidential buildings 50,000 square feet or greater to “tune-up” building energy and water systems every five years. This project will implement a Building Tune-Ups Accela module, a City approved software standard which collects and stores data related to building energy efficiency maintenance actions, building details, and basic contact information for building owners, their agents, and vendors (Tune-Up Specialists) that are qualified to perform a tune-up.

PROJECT/PROGRAM OVERVIEW

Please provide an overview of the project/program. *The overview provides the context and background necessary to understand the project/program’s purpose and mission and the justification for operating a privacy sensitive project/program. Include the following:*

- Describe the purpose of the system, technology, pilot or project/program; the name of the department that owns or is funding the project/program and how it the project/program relates to the department’s mission;*
- Describe how the project/program collects and uses personal information, including a typical transaction that details the life cycle from collection to disposal of the information;*
- Describe any routine information sharing conducted by the project/program both within City of Seattle departments and with external partners. Describe how such external sharing is designed with the original collection of the information.*

- *Identify any major potential privacy risks identified and briefly discuss overall privacy impact of the project/program on individuals*
- *Identify the technology used and provide a brief description of how it collects information for the project/program.*

The Office of Sustainability and Environment's (OSE) Building Tune-Ups Implementation IT project (#0575) requires an IT solution to store data from building owners of commercial facilities 50,000 square feet or greater that are required to comply with the 2016 adopted existing building energy efficiency ordinance, SMC Chapter 22.930. The IT solution requires a public facing portal for submission of required data, database functionality, back office work flow management, contact permission and validation capabilities to ensure only those authorized have access to building specific data and the ability to submit required information to the City of Seattle. Key functionality must be in place by May 2018 to meet the adjusted ordinance compliance deadlines. A five-month compliance deadline extension has been implemented as platform decision delays and funding shortfalls impacted the original project launch date of 1/1/18. The project closure is scheduled for January of 2019.

The selected platform for this project is a City approved software standard, Accela Automation. Accela is currently being used by the Seattle Department of Construction and Inspections (SDCI) Rental Registration and Inspection Ordinance (RRIO), and Seattle Department of Transportation (SDOT). Projects are underway for SDCI permitting, FAS short term rental program and Seattle Fire high rise inspection program. Seattle IT has an Accela team and the platform is configured to meet City privacy standards.

The BTU program (www.seattle.gov/buildingtuneups) requires building owners or their agents, with the support of qualified vendors called Tune-Up Specialists, to report building data every five years. This data will be self-reported via user input into the Accela Building Tune-Ups module. OSE will access this data to review for completion and accuracy before confirming compliance. OSE collaborates with staff from the Department of Finance and Administration (FAS) to enforce the requirement by issuing Notices of Violation (NOV) with assessed fines. FAS staff will have access to building records and interact with the Accela instance to issue NOVs, track mailed dates and fine payment.

Additional departments that may request access to collected data for research and analysis potentially include Seattle Department of Construction and Inspections (SDCI) and Seattle City Light (SCL) as these departments share the same mission: to increase energy efficiency in Seattle's existing buildings to help meet the objectives in Seattle's Climate Action Plan. Should such a request be received, OSE will establish a formal Memorandum of Agreement (MOA) or Non-Disclosure Agreement (NDA) agreement to understand and document how the information will be used, confirm City of Seattle privacy standards are adhered to, and prohibit the disclosure of individual building details.

Currently there is no planned data sharing with external partners.

Highly sensitive data is not collected in this system. The system will store building addresses, building owners, owner agents, and Tune-Up Specialists contact data, thus this project is subject to a PIA. Individual building information is submitted and stored in the system. This information is similar to building information collected by SDCI, the City building department, during a permitting process. We believe this ordinance driven project has a low privacy impact to the public.

NOTIFICATION

1. ***How does the project/program provide notice about the information that is being collected? Our Privacy Principles and Statement require that we provide notice to the public when we collect personal information, whenever possible.***
 - *Describe how notice will be provided to the individuals whose information is collected by this project/program and how it is adequate.*
 - *If notice is not provided, explain why not. (For certain law enforcement or other project/programs, notice may not be appropriate.)*
 - *Discuss how the notice provided corresponds to the purpose of the project/program and the stated uses of the information collected.*

Participants will be informed in advance of the compliance deadline that they are required to comply with the Building Tune-Ups regulation. The City of Seattle's privacy policy will be referenced when a building owner, agent or Tune-Up Specialist begins the registration process in the Seattle Services Portal (the Accela public portal, see <https://cosaccela.seattle.gov/portal/welcome.aspx>). All data will be collected via the Accela platform either through the public portal or in the back office with OSE staff assistance should building owners need technical support. All information will be self-reported by building owners and their representatives. Following registration in the Seattle Services Portal, upon the creation of any record, a legal statement will be displayed before a building owner, or their representative submits any building information. See text below:

Under Washington State Law (RCW Chapter 42.56, the Public Records Act) all records received or created by the City of Seattle are considered public records. Public records include Building Tune-Up related records as required under Seattle Municipal Code, SMC 22.930.

The Public Records Act (PRA) requires that public records must be promptly disclosed by the City upon request unless the PRA or other statute specifically exempts records from disclosure. If a Building Owner or Tenant believes any of the records they are submitting to the City in compliance with the requirements of SMC 22.930 are exempt from disclosure under the PRA, they can request that the City provide notice prior to disclosure so the Building Owner or Tenant has an opportunity to pursue court action to prevent disclosure. To do so, the Building Owner or Tenant must very clearly and specifically identify the records and the exemption(s) that may apply. Only the specific records or portions of records properly identified will be withheld for the purpose of providing notification. All other information submitted to the City will be considered fully disclosable upon request.

The City will not assert an exemption from disclosure on a Building Owner or Tenant's behalf. If the City receives a public disclosure request for any records that a Building Owner or Tenant has properly and specifically identified, the City may notify them in writing of the request and postpone disclosure. While it is not a legal obligation, the City may allow up to ten business days after notification for the Building Owner or Tenant to obtain a court injunction to prevent the City from releasing the records (per RCW 42.56.540). If the Building Owner or Tenant fails to obtain a court order within the ten-day period, the City may release the information.

Information about the City's privacy policy can be found here:
<http://www.seattle.gov/tech/initiatives/privacy>

- 2. What opportunities are available for individuals to consent to the use of their information, decline to provide information, or opt out of the project/program?** Describe how an individual may provide consent for specific uses or whether consent is given to cover all uses (current or potential) of his/her information. If specific consent is permitted or required, how does the individual consent to each use? If notice is provided explain how an individual may exercise the right to consent to particular uses or decline to provide information describe the process. If this is not an option, explain why not. Note: An example of a reason to not provide an opt-out would be that the data is encrypted and therefore unlikely available to identify an individual in the event of a data breach.

Compliance is required by ordinance every five years. There is no way to comply without providing the required data to complete a Building Tune-Up or pursue an alternative compliance pathway. The building owner will be sent a notification letter outlining the building they own is required to comply with the Building Tune-Ups law by the associated compliance due date. Due dates are set by building size and repeated every five years, thus compliance cycles. Notification letters will be sent to the recorded building owner per King County Assessor's records with an authorization code. A randomly generated authorization code will be created by the Accela system to provide an additional layer of security. This code will be required to claim a building within the Accela system. This code can only be used once as it creates a validated link to the building required to tune-up. Within the Accela system, the building can be claimed by the owner, an owner's agent or a Tune-Up Specialist. As is often the case, ownership of a building may not be an individual but rather a collective or LLC. The ownership can delegate compliance responsibility either by providing the building claim code or adding a contact to the claimed building record.

COLLECTION

- 3. Identify the information, including personal information, that the project/program collects, uses, disseminates, or maintains.** Explain how the data collection ties with the purpose of the underlying mission of the department.

Basic personal information is collected for building owners and those they hire to manage their buildings or conduct their Tune-Up. From building owners, agents and Tune-Up Specialists, OSE will collect:

- Name
- E-mail
- Phone
- Address

From Tune-Up Specialists, OSE will also collect:

- Education history
- Work history
- Credentials/certifications

In addition, OSE will collect a series of data fields specific to each building, including energy and water data, building system information, operational and maintenance efficiency practices or recommendations.

Both the personal and building data is used to:

- (1) Allow OSE staff to ensure compliance with the ordinance
- (2) Better understand energy use in buildings
- (3) Assess ordinance impact

4. *Is information being collected from sources other than an individual, including other IT systems, systems of records, commercial data aggregators, publicly available data and/or other departments? State the source(s) and explain why information from sources other than the individual is required.*

The project has an integration point with an existing database developed by the City of Seattle in 2011 to support a foundational building energy efficiency policy, SMC Chapter 22.920, the Energy Benchmarking and Reporting (EBR) Program, www.seattle.gov/energybenchmarking. Adopted in 2010, owners of commercial and multifamily buildings 20,000 square feet or greater are required to annually report building energy performance data to the City of Seattle via the U.S. EPA's ENERGY STAR Portfolio Manager, a free, secure online benchmarking system. EBR uses web services to download and store building space use details and energy consumption metrics at the whole building level, not tenant by tenant. A similar privacy statement is provided upon linking buildings between Portfolio Manager and EBR before a building owner or their representative provides access to their account's data. A subset of the collected benchmarking data is annually published in Seattle's open data portal and in an interactive map, www.seattle.gov/energybenchmarkingmap. For details on annually disclosed metrics, visit OSE's Director's Rule 2016-01. The EBR database includes information about buildings over 20,000 square feet in Seattle per the publicly accessible King County Property and Assessor's Tax Records (<http://gismaps.kingcounty.gov/parcelviewer2/>). Additionally, data is collected from the Washington Secretary of State's publicly available filing records that note Washington Corporations and their Registered Agents. (<https://ccfs.sos.wa.gov/#/Home>). The Building Tune-Ups program overlaps with a subset of the buildings included in the EBR database and the two programs are managed by the same Office of Sustainability and Environment staff.

USE

5. *Describe how and why the project/program uses the information that is collected. List each use (internal and external to the department) of the information collected or maintained. Provide a detailed response that states how and why the different data elements will be used.*

The collected information is used to operationalize the Building Tune-Up ordinance, thus enforcing compliance. This information will also be used to further understand and improve energy use and carbon emission reduction within the City of Seattle. The information that a Tune-Up Specialist provides, such as education/work history and certification or licenses, are collected to allow OSE staff to verify that the professional holds the qualifications specified in the Building Tune-Up OSE Director's Rule 2017-01.

6. Does the project/program use technology to:

- a. **Conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly or**
- b. **Create new information such as a score, analysis, or report?**

If so, state how the City of Seattle plans to use such results. Some project/programs perform complex analytical tasks resulting in other types of data, matching, relational analysis, scoring, reporting, or pattern analysis. Explain what will be done with the newly derived information. Will the results be placed in the individual's existing record? Will a new record be created? Will any action be taken against or for the individual identified because of the newly derived data?

Collected data will primarily be used to complete the Building Tune-Up compliance process. This information will not be shared with new owners without receiving authorization from the owner that submitted the Building Tune-Up data. OSE will reference building data from multiple compliance Tune-Up cycles to understand building efficiency patterns and potentially evaluate appropriate future energy efficiency policy approaches or programs.

OSE is obligated via [Resolution 31714](#), adopted by the Seattle City Council to report no later than December 31, 2020, on the following:

- a. Energy savings resulting from efficiency tune-ups conducted on buildings with non-residential uses of 200,000 square feet or larger.
- b. Examples of support structures and incentives to promote the efficiency targets, reflecting engagement with relevant stakeholders.

7. How does the project/program ensure appropriate use of the information that is collected? Describe any types of controls that may be in place to ensure that information is handled in accordance with the uses described above.

This project intends to implement user login access controls and require secure passwords that are updated regularly per City Standards via Accela Automation, a secure technology platform that currently meets City Standards and is maintained by the Seattle IT Accela program staff.

RETENTION

8. Does the project/program follow the City records retention standard for the information it collects? Departments are responsible for ensuring information collected is only retained for the period required by law. City departments are further responsible for reviewing and auditing their compliance with this process. For more information, please see the internal retention schedule, [here](#), and records retention ordinance, [here](#).

In addition, please provide answers to the following questions:

- *How does it dispose of the information stored at the appropriate interval?*
- *What is your audit process for ensuring the timely and appropriate disposal of information?*

Data collection from the Building Tune-Up project will be retained for 7 years, per City standards. A decision will be made regarding archiving some data for trend reporting utilization in the future.

SHARING

- 9. Are there other departments or agencies with assigned roles and responsibilities regarding the information that is collected?** *Identify and list the name(s) of any departments or agencies with which the information is shared and how ownership and management of the data will be handled.*

No other departments will own or manage the data collected through the ordinance. Finance and Administrative Services will view a small subset of the data to help with enforcement of the ordinance.

- 10. Does the project/program place limitations on data sharing?**

Describe any limitations that may be placed on external agencies further sharing the information provided by the City of Seattle. In some instances, the external agency may have a duty to share the information, for example through the information sharing environment.

There are no plans to share this data with external agencies. It is conceivable that external partners such as local energy efficiency non-profits like Emerald Cities and Seattle 2030 District may request information for research and analysis purposes. In these situations, should they arise, OSE will require a Non-Disclosure Agreement to understand and document how the information will be used, confirm City of Seattle privacy standards are adhered to, and prohibit the disclosure of individual building details. Owner, agent, or vendor contact information will be excluded.

- 11. What procedures are in place to determine which users may access the information and how does the project/program determine who has access?** *Describe the process and authorization by which an individual receives access to the information held by the project/program, both electronic and paper based records. Identify users from other departments who may have access to the project/program information and under what roles these individuals have such access. Describe the different roles in general terms that have been created that permit access to such project/program information. Specifically, if remote access to the system is allowed or external storage or communication devices interact with the system, describe any measures in place to secure the transmission and storage of data (e.g., encryption and/or two-factor authentication).*

This project will have a public facing portal where users can create and access an account. Based on existing records, OSE will provide system access authorization to building owners. Building owners can then extend system access to other users for a given building to help comply with the ordinance.

Internal users will access the system via a single user sign-on, limited to OSE Building Tune-Ups staff (up to 5 users) and some FAS staff (up to two) to facilitate the enforcement process should building owners fail to comply with the law.

- 12. How does the project/program review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?** *Please describe the process for reviewing and updating data sharing agreements.*

There is no plan to share this data with other agencies or departments currently. Typically, OSE conducts aggregate level analysis and shares the results with internal and external partners. OSE has established MOA's and NDA's to allow access to reported building energy benchmarking data. Even though benchmarking data is published annually, OSE requires an agreement to formally track organizations or individuals that have requested and received data. OSE maintains a log of those that have requested and received data along with archived files of the dataset sent to the requestor.

LEGAL OBLIGATIONS AND COMPLIANCE

13. Are there any specific legal authorities and/or agreements that permit and define the collection of information by the project/program in question?

- *List all statutory and regulatory authority that pertains to or governs the information collected by the project/program, including the authority to collect the information listed in question.*
- *If you are relying on another department and/or agency to manage the legal or compliance authority of the information that is collected, please list those departments and authorities.*

There are no legal authorities or agreements outside of the City of Seattle pertaining to this project. Though State and Federal agencies do own facilities which are subject to the requirement, State and Federal agencies cannot be pursued for non-compliance with the City of Seattle Municipal Code. Federal agencies are encouraged to comply with the Building Tune-Up requirement, but to date, Federal agencies do not submit data to be formally in compliance with the foundational benchmarking and reporting requirement, SMC Chapter 22.920.

14. How is data accuracy ensured? Explain how the project/program checks the accuracy of the information. If a commercial data aggregator is involved describe the levels of accuracy required by the contract. If the project/program does not check for accuracy, please explain why. Describe any technical solutions, policies, or procedures focused on improving data accuracy and integrity of the project/program.

Data will be reported by Building Owners, Owner Agents or Tune-Up Specialists. Building performance data may only be submitted by qualified Tune-Up Specialists. Specialists are third-party individuals that have attained industry standard certifications and relevant training, or professional experience as defined by OSE's Director Rule 2017-01. Part of the role of the 3rd party specialist is to review building data provided by the owners/manager to verify accuracy and update if necessary. The OSE team will review completed Alternative Compliance requests and documentation and Building Tune-Up Summary Reports to identify outlier data and potential errors.

15. What are the procedures that allow individuals to access their information?

Describe any procedures or regulations the department has in place that allow access to information collected by the system or project/program and/or to an accounting of disclosures of that information.

Accela system users can login to access their data. Completed Tune-Ups are viewable only by the submitter or those that have been granted access in the system. New owners and their agents are not allowed access to prior tune-up reports without permission of the building owner or their representing agent for previous tune-up cycles (every 5 years).

- 16. What procedures, if any, are in place to allow an individual to correct inaccurate or erroneous information?** Discuss the procedures for individuals to address possibly inaccurate or erroneous information. If none exist, please state why.

Tune-Up data can be modified until a user indicates “finalized” by submitting a record for review by OSE staff to confirm compliance. OSE staff may request clarification, additional information, etc. Authorized users can amend a submitted record using an amendment. An amendment can be modified until a user indicates “finalized” by submitting the record for review by OSE staff.

- 17. Is the system compliant with all appropriate City of Seattle and other appropriate regulations and requirements?** Please provide details about reviews and other means of ensuring systems and project/program compliance.

The project is using the Accela platform. The system is an approved IT application that adheres to public portal and database management privacy standards. Unlike SDCI and SDOT Accela instances, OSE’s use of the Accela platform is adding a layer of security to protect building details submitted to comply with the Building Tune-Up ordinance. Only those granted permission can access individual building records as controlled by the legal owner or authorized agent. This additional security is not required but has been established to facilitate compliance with this new regulation and avoid potential misuse of building specific information.

- 18. Has a system security plan been completed for the information system(s) supporting the project/program?** Please provide details about how the information and system are secured against unauthorized access.

The selected Accela software solution is an approved Seattle IT platform that meets City of Seattle system security requirements.

- 19. How is the project/program mitigating privacy risk?** Given the specific data elements collected, discuss the privacy risks identified and for each risk explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.

This project does not include any high privacy risk data elements.

MONITORING AND ENFORCEMENT

- 20. Describe how the project/program maintains a record of any disclosures outside of the department.** A project/program may keep a paper or electronic record of the date, nature, and purpose of each disclosure, and name and address of the individual or agency to whom the disclosure is made. If the project/program keeps a record, list what information is retained as part of the accounting requirement. A separate system does not need to be created to meet the accounting requirement, but the project/program must be able to recreate the information noted above to demonstrate compliance. If the project/program does not, explain why not.

This information will not be disclosed outside of the department. Academic institutions or federal agencies may request reported Building Tune-Up data for research purposes. Should a request for

data be received, OSE will require information about the proposed use of collected data and require a Non-Disclosure Agreement or a formal FOIA request to protect individual building data from exposure or misuse. Personally identifiable information will not be released unless required by law. Any data disclosures will be tracked either in the City disclosed records tracking system or by the program.

- 21. Have access controls been implemented and are audit logs are regularly reviewed to ensure appropriate sharing outside of the department? Is there a Memorandum of Understanding (MOU), contract, or agreement in place with outside agencies? Discuss how the sharing of information outside of the Department is compatible with the stated purpose and use of the original collection.**

There is no plan to publish or share this data externally. Regardless, OSE has experience logging and tracking shared data as appropriate. OSE does have plans to analyze program impact as well as building performance trends and operational and maintenance practices across building types, not at an individual building record level. OSE is required to report on program impacts by 2020 per Seattle City Council resolution.

- 22. How does the project/program ensure that the information is used in accordance with stated practices of the project/program? What auditing measures are in place to safeguard the information and policies that pertain to them? Explain whether the project/program conducts self-audits, third party audits or reviews.?**

Self-audits will be performed periodically. To date periodic self-audits have been deemed appropriate for similar programs that collect building performance data.

- 23. Describe what privacy training is provided to users either generally or specifically relevant to the project/program. City of Seattle offers privacy and security training. Each project/program may offer training specific to the project/program, which touches on information handling procedures and sensitivity of information. Discuss how individuals who have access to personal information are trained to handle it appropriately. Explain what controls are in place to ensure that users of the system have completed training relevant to the project/program.**

No training is required for external users. OSE staff annually takes the City's required privacy training.

- 24. Is there any aspect of the project/program that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information? Examples might include a push of information out to individuals that is unexpected and appears to be intrusive, or an engagement with a third party to use information derived from the data collected that is not explained in the initial notification.**

Academic institutions or federal agencies may request reported Building Tune-Up data for research purposes. Should a request for data be received, OSE will require information about the proposed use of collected data and require a Non-Disclosure Agreement or a formal FOIA request to protect individual building data from exposure or misuse. Personally identifying information is not released unless specifically requested and deemed required to meet the Washington State Public Records Act.