



2021 Data Privacy, Accountability, and Compliance

Citywide Public Records Act Program Maturity Assessment

Seattle Information Technology

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DRAFT

Overview

The purpose of this document is to provide insight into the state of the City of Seattle's Citywide Public Records Act (CPRA) Program. It is intended to inform on opportunities for program improvement, including resource and organization budget requests and workflow improvements. This assessment is for the CPRA Program alone as a support organization for city public disclosure officers and does not reflect the state of individual department programs and operations.

Background History

As part of the 2014 budget, Seattle City Council adopted Statement of Legislative Intent 13-2-A-1, requesting that the City Clerk, City Attorney's Office, and the Executive (including representatives from the Mayor's Office, the Department of Finance and Administrative Services (FAS), and the Department of Information Technology (now known as Seattle IT Department)), form a Public Disclosure Request (PDR) Task Force to review current practices, identify shortcomings and provide an initial set of recommendations regarding Citywide policies, procedures, and organizational structures. Council specifically expressed interest in ensuring the City fulfills public disclosure requests consistently, efficiently, and effectively.

The result of this task force was the creation of the City's CPRA program, which was formed shortly thereafter and was initially housed in FAS. On January 1, 2021 this imperative function transferred to the Seattle IT Department (ITD) and currently resides under the Chief Privacy Officer (within ITD's Data Privacy, Accountability, and Compliance Division). Currently, CPRA operates as a six-person team: the program manager, the GovQA Portal Lead, the eDiscovery Lead and three consulting senior public disclosure officers. CPRA's primary function is to ensure compliance with the Washington State Public Records Act (PRA) by incorporating PRA responsibilities into a sustainable line of business for City agencies. Responsibilities include leading the development and implementation of consistent operational policies and procedures.

The City of Seattle averages over 14,000 PDRs annually, and the number and complexity of these requests have been steadily increasing. There exists an ever-growing need to organize, reliably search and process massive amounts of data in a reasonable amount of time. Reviews must be done consistently and efficiently in compliance with state law. Failure to do so places the City in legal and financial liability and risks bad publicity and a loss of public trust. Additionally, the hidden costs associated with responding to public records requests are significant in terms of labor, troubleshooting, researching and supporting technologies, and training.

Maturity Summary

Description of Maturity Framework

Zylab Technologies offers a maturity assessment framework useful for assessing the City's public records program. In this assessment, an undeveloped program is siloed and manual. By contrast, a fully mature program, while perhaps still federated and performed by department, would be optimized with consistency, automation, efficient technology, analytics, and provide a basic framework upon which to evaluate current practices.

Ad Hoc	Repeatable	Defined	Managed	Optimized
Unstructured approach where policies, processes, and practices are not sufficiently defined or documented. Program management is mostly dependent on initiatives by individuals rather than processes.	Program is viewed as a compliance exercise and the approach is largely reactive with some guidelines. There is limited central oversight of the policies, processes, and practices, with siloed approaches between units.	Policies, processes, and practices are defined, comprehensive to meet business needs, and are consistently implemented throughout. There is a holistic and proactive approach with widespread awareness.	Program principles are embedded into the design and functionality of business processes and systems and is consistent across the agency. Well-defined governance and oversight structures exist.	The program is viewed as a strategic initiative with a clear agency culture of continuous improvement. The agency is viewed by stakeholders and the public as a leader in data management, introducing innovative initiatives to meet their needs.

Using this framework, CPRA has applied the following methodology for scoring:

Aspect	AD HOC Ad hoc disclosure process	TOOLING Managed Disclosure Process	PLATFORM Integrated Disclosure Process	ANALYTICS Optimized Disclosure Process	SMART FACT FINDING Automated Disclosure Process
Financial: <ul style="list-style-type: none"> Where is the agency saving time and costs? Which areas are yet to be tapped? 	No budget control	High pressure on agency with many hidden costs	Use technology and formal workflow attributing to cost reductions	Save additional costs for better prioritization & use of technology & collaboration	Most cost-effective program due to better prioritization and use of advanced technology
Quality & Risks: <ul style="list-style-type: none"> Do searches for all agency records and resulting in accurate and thorough results? What's getting left behind? 	No quality control possible, no consistency	High risk, dependent on functionality tool risk is "in-between" systems	One platform, fewer data risks, but risk of inconsistent human decisions remains	Data driven decision, more consistent decision making	Highest possible quality and consistency
Ease of Use & Automation: <ul style="list-style-type: none"> Are tools user friendly and relieve agency burdens/stresses? 	Chaos and stress	Data management is labor intensive, with each tool working differently	Start of automation	Organized data, easier workflow, data driven decisions	Ultimate ease of use made possible by advanced technology
Security <ul style="list-style-type: none"> Are records secure against hacking & leaks? Is there a potential for accidental disclosure of private or exempt information? 	No control over security	Risk in-between systems	All data secure in one system	All data and audit of withholdings and review decisions in one system	All data and all decisions in one system
Processes & Collaboration: <ul style="list-style-type: none"> Are workflows simplified and improved? Does easy collaboration/cooperation exist across internal departments/external agencies? How are we accounting for a spectrum of PDO experience and expertise? 	No collaboration possible	Possible collaboration but through manual or unsuitable actions	All parties can collaborate	Decide together on complex matters	All parties collaborate on all aspects

Current State

Ad Hoc	Repeatable	Defined	Managed	Optimized
Unstructured approach where policies, processes, and practices are not sufficiently defined or documented. Program management is mostly dependent on initiatives by individuals rather than processes.	Program is viewed as a compliance exercise and the approach is largely reactive with some guidelines. There is limited central oversight of the policies, processes, and practices, with siloed approaches between units.	Policies, processes, and practices are defined, comprehensive to meet business needs, and are consistently implemented throughout. There is a holistic and proactive approach with widespread awareness.	Program principles are embedded into the design and functionality of business processes and systems and is consistent across the agency. Well-defined governance and oversight structures exist.	The program is viewed as a strategic initiative with a clear agency culture of continuous improvement. The agency is viewed by stakeholders and the public as a leader in data management, introducing innovative initiatives to meet their needs.

Currently, the CPRA program operates between the “Ad Hoc” and “Repeatable” phases of the maturity spectrum. While the program has established regular trainings and practices, the public records function for the City remains largely reactive. Through its history, CPRA has provided and continues to provide guidance, training, coordination, technology implementation, appeals review, troubleshooting, networking, consultation, and communications to PDOs citywide. However, it remains limited in its influence over a federated program of individual departments all operating autonomously. The two biggest obstacles departments face in fulfilling their PRA obligations, and which CPRA is seeking to address, are technology and insufficient resources.

Goal State

Ad Hoc	Repeatable	Defined	Managed	Optimized
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In three years, CPRA aims to advance its status to somewhere between the “Managed” and “Optimized” stages of the maturity curve. Responses to public records are part of the City’s compliance obligations. As this area continues to grow, efficiency and consistency are key to a successful program. To mature, the City needs to invest in industry standard technology and infrastructure that will enable PDOs to produce records more efficiently and reduce risk. Additionally, the City will best optimize these new tools by more fully resourcing public records work. By supporting over 70, mostly part-time public disclosure officers with a smaller group of well-trained full-time staff, the City will reduce redundancy, retraining, develop better oversight and standard of metrics. Public disclosure officers can serve as stakeholders and take on a better role in future innovations while maintaining a well-functioning and legally compliant system.

Maturity Timeline

2021	2022	2023
<p>Budget ask of approximately \$2 million for the following necessary technologies and infrastructure to move the City’s public records function into standard compliance:</p> <ol style="list-style-type: none"> 1. Advanced eDiscovery to create a more robust search tool, a means to provide smaller productions of documents and a future facing infrastructure through which the City can manage the ways in which it communicates 2. Nuix review tool to facilitate quicker and auditable review of large quantities of records 3. SMS messaging capture tool to obtain and retain text messages on City devices 	<p>Onboarding support and resources: Continue implementation and operational support on new technologies and continue PDO/staff training to ensure staff is set up for success.</p>	<p>Expectation is that as we develop subject matter expertise in the new technologies we will continue to work as a more cohesive community to determine innovations and best practices</p>
<ol style="list-style-type: none"> 1. Begin to implement Mobile Device Management on all City phones to ensure texts can be captured and to start to manage the apps and information on city-owned devices 2. Identification of text message capture solution 	<ol style="list-style-type: none"> 1. Continuation of MDM and identify alternative solutions to handle any technology deficits still in existence resulting from MDM implementation and limitation of allowed phone apps 2. Implement SMS message capture in phases 	<p>Identifying any remaining business impacts and exploring potential solutions. Continuing enterprise-wide training and education on a regular basis.</p>
<p>Leadership champions to guide a compliance-driven culture. Start to identify who can help us to seed the understanding of this area of compliance across the enterprise and the need to invest in it.</p>	<p>MDAR governance group creation to meet with leadership from MOS and City Council to help create a more compliance-driven culture and start discussions on how to best move from a federated and independent system to one that is consistent and optimizes new technologies</p>	<p>Move away from the autonomous part-time approach to more fully staff PDR work. This will need to include departments’ buy in and financial support to finance this area of work</p>

Assessment Methodology

CPRA currently operates between the first (Ad Hoc) and second (Tooling) stages.

Financial

CPRA is currently in the Tooling stage financially. While there are some centralized and controlled costs, the pressure on the agency is high. Washington State claims one of the most robust public records laws in the country and the legal repercussions for non-compliance can be severe. Additionally, the volume and complexity of the requests continue to pressure the City to respond more efficiently and with fewer resources. Finally, budget constraints force the City to work with readily available technologies and rely on many staff members for whom PDO work is a very small part of their overall workloads.

As a result of these limitations, the PDOs and CPRA spend a significant amount of time troubleshooting, training and retraining, and in some cases, redoing work lost to technology deficits. These hidden costs affect multiple departments, including ITD, LAW, and various personnel in the departments who need to address any issues related to PDO work, such as the communications teams.

Quality and Risks

This is one of the biggest areas for improvement and remains in the Ad Hoc phase. Currently, the 70+ PDOs work in federation with each other and with CPRA. CPRA supports PDO work but does not have the ability to enforce a specific workflow to ensure PDOs are consistently following best practices and optimizing the technology available to them. This lack of consistency necessitates retraining and makes it difficult to measure PDO skill sets and evaluate the quality of PDO work on an objective level and leads to discrepancies in PDO job descriptions and departmental expectations.

Ease & Use of Automation

CPRA has graduated to the Tooling phase for Ease & Use of Automation, however PDOs still need a multitude of tools to complete their work. Generally, public records requests are submitted to the City via a public-facing online portal administered by GovQA. PDOs individually manage the requests and are responsible for returning all relevant (or “responsive”) results over to the requesters. PDOs use multiple processes and software platforms to search, review, and provide responsive results to the public/requesters including:

- GovQA for receiving PDRs and communicating with the requesters;
- Microsoft Core eDiscovery and Microsoft Advance eDiscovery for executing and managing email searches and some review.
- Nuix, Outlook, Adobe and/or Evermap/Adobe AutoPortfolio for redaction, or to produce records in a digestible, pdf format.

All these technologies require heavy CPRA support in the form of a substantial introduction process and require the CPRA team to quickly become subject matter experts to provide ongoing support, guidance, training and retraining as the skill level and familiarity of PDOs runs across a large spectrum.

Security

Security remains in Ad Hoc phase. While CPRA is currently looking to implement better review tools, the major check against inadvertent release of documents is manual with general reliance upon the City’s general security policies and procedures.

Processes & Collaboration

Processes & Collaboration operate in the Tooling phase. PDOs work individually in their respective departments but do collaborate when issues arise. CPRA monitors the daily intake of requests and facilitates conversations between departments to help strategize the best response. GovQA allows PDOs to see which other departments may have received similar requests and provides a platform through which PDOs can assign tasks to other departments for the same request. In Q3 of 2021, CPRA launched a new Teams site complete with an updated SharePoint site, metrics and a record of requests received, a new intake system, and a channel through which PDOs might reach out to troubleshoot. While these tools are equipped to enable better communication, participation is dependent on the PDOs to reach out and upon CPRA to follow up on resolutions.

Overall Current Status: Ad Hoc with some Tooling

Overall, the current status for the CPRA program is Ad Hoc/Tooling. CPRA has made some significant gains in procuring two much needed technologies: Advanced eDiscovery to more comprehensively search and hold records and Nuix for large, complex review. While CPRA continues the onboarding process for these technologies, the learning curve is steep. Thus, the City presently operates in between systems and the skill, available time, and experience amongst the PDOs remains inconsistent. Ultimately, the City remains reactive in its approach to public records.

Dependencies and Constraints

The adoption of Advanced eDiscovery helped to reduce risk in searches and provided some basic levels of review. Nuix will allow PDOs to review large numbers of documents in a more auditable and efficient manner. However, while Advanced eDiscovery remains the standard of the industry, it is limited in its review and redaction functions and requires some workarounds to fully satisfy legal obligations. CPRA is currently working with Microsoft to address the shortcomings of Advanced eDiscovery. Additionally, CPRA is testing workaround solutions to bridge the technology gap.

The learning curves for Advanced eDiscovery and Nuix as a complex review tool are steep and require the investment of time and practice on behalf of the PDOs. CPRA has set up a voluntary training schedule and standing office hours in addition to its daily intake system. CPRA is reaching out to set up specific times with departments and expects to continue this until all departments are fully operational in Advanced eDiscovery.

With the addition of the senior PDO positions, CPRA has been able to provide more back up support for certain departments facing a shortage of staff and/or a large queue of existing requests. An emerging issue is departments' lack of resourcing of this work and lesser awareness of the true time commitment of this body of work. Less than one third of the departments dedicate more than 50% of a full-time position to PDO work. This can result in higher turnover in these roles, which then draws upon limited policy/legal training resources, requires repeated technology set up and training, and introduces inefficiencies related to inconsistency and reduced institutional knowledge. Most assign the work in a part-time (or less than part-time) capacity, especially in smaller departments. Consequently, the City employs over 70 PDOs across the departments, and many are not equipped to become subject matter experts due to resourcing. Additionally, in a 2021 survey, many part-time PDOs reported both their PDO and non-PDO workloads were increasing and several PDOs routinely operate without a back-up staff member for support. With such minimal resources dedicated to public records work, PDOs are struggling to balance their responses with many other work duties.

Finally, SMS messaging is a large issue for PDO work. CPRA is not responsible for the retention of documents, including of SMS messaging, nor for the policies and enforcement of the use of city devices. Nevertheless, CPRA has worked with ITD to pilot and identify an SMS capture tool which it expects to start onboarding in 2022. However, the rollout of this capture is largely dependent on the enforcement of ITD policies and mobile device management. Without these, PDOs will still be collecting messages in a very time consuming and manual process.

Conclusion and Next Steps:

After initial assessment CPRA remains in the developing stage of its maturity as a program. However, it has procured new technologies and is working to train and create best practices across while identifying further gaps and ways to alleviate pain points in this body of work. To achieve this, CPRA will be addressing the following priorities in moving forward:

Priority Level High:

CPRA will continue to onboard and train PDOs on the new technologies as well as finding workarounds to existing gaps. These steep learning curves will need practice and several methods of training. This will be an ongoing process throughout 2022 but remains CPRA's top priority.

CPRA has begun to identify and work with departments with less staff and/or large queues to alleviate some of their backlog, including collaboration with the Open Data Program.

Priority Level Medium:

CPRA has begun to pilot ways in which departments might use statistics to understand the breadth of PDO work and the actual costs and time commitment the departments make. The goal is to better support the PDOs and create a more universal understanding and resourcing of this body of work.

CPRA will work with department stakeholders, City Clerk's Office, the City Attorney Office, and ITD to discuss the enforcement of policies and best practices to cultivate a culture of compliance across the City. This will include reinforcing how employees may use their devices and communicate to help retain records in a searchable and reliable manner and reminding employees of.

CPRA has started to meet regularly and will continue to work with the Open Data Program to discuss ways to use open data to provide the public with information more quickly and beyond the public records process.

CPRA will test out new SMS capture tools and assist in identifying which employees will be in the rollout phases along with best practices for capture and searching SMS messages.

Priority Level Low(er):

CPRA will continue to reach out and cultivate a larger community understanding of technology and best practices with other agencies.