



97879

DATE: August 13, 2019

TO: Board of Supervisors

FROM: Jeffrey V. Smith, County Executive

SUBJECT: Extension of Unclassified Position in the Privacy Office

RECOMMENDED ACTION

Adoption of Salary Ordinance No. NS-5.20.11 amending Santa Clara County Salary Ordinance No. NS-5.20 relating to compensation of employees adding Footnote 809 to extend the expiration date for one unclassified Senior Management Analyst or Management Analyst position in the Office of the County Executive. Position shall expire at 11:59 p.m. on April 5, 2020.

- Action to Introduce and Preliminarily adopt on August 13, 2019; Roll Call Vote to waive reading, Roll Call Vote to adopt.
- Action for Final Adoption on August 27, 2019; Roll Call Vote to adopt.

FISCAL IMPLICATIONS

The cost to extend this position for the next six months is \$120,184. The Department's adopted budget contains sufficient funding to absorb this cost through salary savings due to other Unclassified vacancies within the Privacy Office.

REASONS FOR RECOMMENDATION

In order to continue the necessary outreach, advocacy and analytical activities required to maintain the continuity of operations of the Privacy Office, an extension is being requested for the unclassified Senior Management Analyst position. The recommended action would extend the position through April 5, 2020. Recruitment for this role has proven difficult due to the comprehensive background and experience in the information privacy field that is required to support the enterprise policy program. Extension of the unclassified Senior Management position would allow for the continuation of the following strategic projects:

1. Reviewing and updating the Data Breach Notification Policy, Incident Response Plan, and Privacy Vetting Checklist for Vendors.
2. Creating information privacy training material covering a range of topics to promote privacy best practices and reduce preventable data breaches.

3. Conducting Privacy Impact Assessment (PIA) activities, identifying risks, and drafting recommendations to remediate the risk of personal and sensitive information exposure (i.e., drafting PIAs, Privacy Assessment Reports, Plan of Action and Milestones (POAM), and Sensitive Information Inventories).
4. Coordinating with Technology Services and Solutions (TSS) on integrating Privacy-by-Design principles into the Software Development Life Cycle (SDLC).
5. Analyzing privacy-related legislation at the state level that may impact the County and our constituents.
6. Building presentations and supporting activities for the Privacy Champions initiative offered to all employees at the County.
7. Drafting and leading a Privacy Champions presentation on smart devices and the internet of things (IoT), along with their privacy implications, and methods to protect privacy.
8. Preparing monthly executive presentations covering the status of the Privacy Office.
9. Maintaining and updating the Privacy Office Project Tracker with the most up-to-date status of ongoing projects.
10. Assisting with a variety of requests, such as: Reviewing surveillance use policies submitted by a range of departments, reviewing data sharing requests to help determine if data is clean enough to share (i.e., to reduce re-identification potential where applicable), updating the Privacy Office's internal and external web sites, and attending privacy related events, etc.
11. Developing an Online Privacy Policy for the County's web site so that the County is transparent to the public about its internet practices.
12. Research and recommendations on employee monitoring tools that could potentially serve the County, as well as the privacy protections that should be considered across multiple solutions, along with employee sentiment.

The position was vacant for a total of about six months due to difficulty in recruiting. Extension of the expiration date to April 5, 2020 will provide the department with the ability to achieve the full 18-month term, complete the requisite project tasks and continue to support the County's efforts to develop a best-in-class enterprise privacy program, along with a Privacy Center of Excellence (COE). A classification study has been requested to address the long-term staffing needs of the Privacy Office.

CHILD IMPACT

The recommended action will have no/neutral impact on children.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

In the Fiscal Year (FY) 2017-18 budget process, the Board approved two (2) unclassified Senior Management Analyst positions in the Office of the County Executive, Privacy Office for 18 months. One of those positions was filled in October 2018 and is set to expire at 11:59 p.m. on September 8, 2019.

Employee Services Agency supports the recommended action.

CONSEQUENCES OF NEGATIVE ACTION

The consequences of failing to approve the recommended action could lead to a significant loss of operational capacity to the County Privacy Office and a reduced ability to effectively respond to privacy-related breach events and requests from multiple departments and leadership.

STEPS FOLLOWING APPROVAL

The Clerk of the Board of Supervisors is requested to notify Diane Reynolds in the Office of the County Executive.

ATTACHMENTS:

- NS-5.20.11 - CEO - Extend one Senior Management Analyst-U or Management Analyst-U adding Footnote #809 (PDF)