

From: [HELMS Kathryn * DAS](#)
To: [Oregon DATA * DAS](#)
Subject: FW: Oregon Data Strategy - Public Comment and Feedback period
Date: Monday, August 24, 2020 9:44:33 AM
Attachments: [image001.png](#)

From: Wilfred Pinfeld <wilfred.pinfeld@urban.systems>
Sent: Tuesday, August 18, 2020 11:38 PM
To: HELMS Kathryn * DAS <Kathryn.Helms@oregon.gov>; jonfink@pdx.edu
Subject: Re: Oregon Data Strategy - Public Comment and Feedback period

Kathryn, thank you for the opportunity to comment on the Oregon Data Strategy. This draft¹ is very well developed addressing all the critical issues of ethical use, empowerment, equity, transparency and privacy. It is however, like the Federal Data Strategy on which it is based, passive - that is to say it avoids doing harm. I believe we need to go beyond the do no harm stance and actively provide Oregon residents with safe and secure digital services similar to the services the state offers in the physical world..

Background

To empower citizens it is important to equip them with the ability to challenge injustice. This means the ability to challenge the data that is held for them by the authorities that govern them. Historically the state has played an important role in producing documents that empower citizens. States produce birth certificates, marriage licenses, driver's licenses and death certificates along with a wide range of other licenses and permits. By issuing these documents the state is empowering its citizens to challenge authorities that would seek to lie about their place of birth, invalidate their marriage, deprive them of the right to drive or block inheritance.

The missing piece

I believe this role of the state issuing official physical documents needs to be explicitly extended into the digital world through the Oregon Data Strategy. It could be argued that this is an implementation of the **Empower** principal in the **Data Informed Culture** section however, that clause could be interpreted to imply that 'data leaders' are the people holding the data and 'empower all individuals to use data appropriately, ethically, and effectively' could be read as a paternal over site of behavior which would have the opposite effect to empowerment. If for example a data leader felt that a record that showed two men were married was inappropriate or unethical could he delete it? If he did would those two men have any ability to show they were married. In the physical world they would hold a marriage certificate issued by the state and could challenge any effort to erase their marriage records. They may have to fight efforts to invalidate the marriage but they have proof that it was a legal marriage at the time the certificate was issued. To empower its citizens the state needs to issue digital records that have the same weight in law as the physical certificates and licenses it issues today.

This could be addressed with modification to 'Empower' clause in the 'Data Informed Culture' as follows.

Learn: Promote a statewide culture of learning, collaboration and personal stewardship in the use and analysis of data

Empower: Empower citizens with true data ownership and educate data leaders within our organization and empower all individuals to use data appropriately, ethically, and effectively

Lead: Establish structures for accountability and responsibility for the management of citizen data

True data ownership requires a different way of thinking about data collection and processing that is not common in large commercial ventures. Today's business models (Uber, Facebook, Equifax) rely on their data ownership to maintain margins. Since the state is not looking to control data a different way of thinking will bring considerable benefits. One of these benefits would be the considerable support of the open source community³.

In your section on **Ethical use** the part on **Transparency** is could again be open to interpretation. A stronger more prescriptive wording would ensure future administrations would have less room to be paternalistic. The following excellent principals of ethical use are drawn from the Joint Statement on Contact Tracing².

Data Collection: Data should only be collected and processed for a specific, well defined, and well communicated purpose. Any system capable of collecting, processing, or transmitting data should do so using only the data necessary to achieve this purpose.

Transparency: Any considered solution must be fully transparent. The protocols and their implementations, including any sub-components provided by companies, must be available for public analysis.

Retention: The processed data and if, how, where, and for how long they are stored must be documented unambiguously. Such data collected should be minimal for the given purpose.

Minimalism: When multiple possible options to implement a certain component or functionality of the solution exist, then the most privacy-preserving option must be chosen. Deviations from this principle are only permissible if this is necessary to achieve the purpose of the solution more effectively, and must be clearly justified with sunset provisions.

Choice: The use of solutions and the systems that support them must be voluntary, used with the explicit consent of the user and the systems must be designed to be able to be switched off, and all data deleted, when the purpose leading to its development has passed.

Thank you again for the opportunity. I hope you find these comments helpful. Please do not hesitate to call if you have any questions or I can help in any other way.
Wilf

1. [Oregon's Data Strategy.](#)
2. [Joint Statement on Contact Tracing](#) (2020) .
3. [Home · Solid.](#)

On 7/7/20 11:00 AM, HELMS Kathryn * DAS wrote:

Jon and Wilf,

I hope this message finds you well – I'm reaching out as I know you're both interested in how we've been rolling out some of the work of the Chief Data Officer since I joined in January of 2019, and I wanted to share that we've just now launched the [Oregon Data Strategy website](#) and opened up a comment period through August 24th.

We modeled the Oregon strategy on the Federal Data Strategy, so we have started with a set of core principles and identified practices for how we as a state wish to manage our data – these two components are what we are currently seeking feedback on, and there will be a separate public comment period when we release our Action Plan in September/October.

I hope you'll have a moment to review and provide any comments, and to circulate amongst any other individuals you think may be interested.

Best,



Kathryn Darnall Helms
Chief Data Officer
Enterprise Information Services
Data Governance and Transparency
Cell: 971-332-0679

"Ensuring user-friendly, reliable and secure state technology systems that serve Oregonians."

--

Wilfred Pinfold, CEO

urban.systems Inc.

2004 NW Irving St. Unit #3, Portland OR 97209

503.709.2975

www.urban.systems

urban.systems builds vibrant communities using technology to facilitate civic engagement, deliver services and share resources