

**Meeting Date:** January 25, 2024

**Agenda Item No. 10**

**Agenda Item:** Updating Fish and Game's Policy on Online Customer Data

**Bureau Chief Approval:** Adam Park, Bureau of Communications

**Prepared by:** Ian Malepeai, Marketing Program Manager, Bureau of Communications

**Background:**

This is a non-action agenda item that provides information on the Department's effort to update its privacy policy to accommodate our unique products, services, and communication outreach needs. The presentation will cover what a privacy policy is, why it's needed, Idaho Technology Authority's (ITA) role, and their required exemption process.

A privacy policy is a legal document that discloses how an organization gathers, uses, discloses, and manages data gathered in its operations. It exists for legal compliance and can be used as evidence to defend an organization in a legal case if one occurs. More importantly, it shows the people you interact with that you take privacy seriously and are transparent as to how you store and use their personal information.

In the absence of comprehensive federal consumer privacy legislation, US organizations must continually manage their privacy practices to keep stride with the evolving landscape of privacy concerns and data management best practices. Various countries and states have enacted consumer privacy laws, and as a result, companies like Google, Apple, and Facebook are putting policies in place to meet those regulatory requirements and to provide customers greater control of their data.

The State of Idaho has a statewide privacy policy, managed by ITA, that requires all state agencies to adopt. Knowing that a one-size-fits-all approach may not be practical for all agencies, ITA developed an exemption process for agencies to communicate their unique needs. After further review of the statewide privacy policy and comparing it with the Department's funding model, products, services, web applications, and use of service providers, we identified the statewide policy does not reflect all the tools and data processing that the Department has invested in to meet the agency's needs. Nor does it provide the transparency of our unique tools and services to our customers. As a result, the Department staff worked closely with the Deputy Attorney General to develop a Fish and Game privacy policy and applied for an ITA exemption on November 1, 2023. On December 15, 2023, ITA granted the Department with a conditional exemption, subject to final approval by ITA at its March 2024 meeting. ITA stated they are "also committed to building trust and credibility with citizens and your policy exemption appears to do that by building transparency in the data Idaho Department of Fish and Game collects on their website."

It is expected that the final approval of the exemption will be confirmed at ITA's March 2024 meeting. With the conditional exemption in place, the Department has begun implementation and communication planning to alert customers of the change.

**Statutory Authority and/or Policy issues:**

Idaho Technology Authority (ITA) has statutory authority for establishing statewide IT and telecommunications policies, standards, guidelines and conventions assuring uniformity and compatibility of state agency systems (I.C. §67-831 through 67-833), while the Department provides hunting fishing and trapping license products, services, and telecommunications that helps with outreach and education efforts. Notwithstanding, the Commission is charged with administering wildlife policy, and through the Department, is responsible for preserving, protecting, perpetuating, and managing the state's wildlife (IC 36-103).

**Public Involvement Process:**

The public is keenly interested in privacy concerns regarding their personal data and how it may be used. By implementing a more transparent privacy policy, the public will now have clearer information on how their data is collected, used and managed. The Commission and the Department will continue to receive input from the public on this topic via social media, email, phone calls, public meetings and hearings, and other events.

**Justification:**

Information will aid Commissioners as they respond to requests, recommendations, or other input from the public.

**Staff Recommendation:**

None. This agenda item is for Commission information.

**Action Requested:**

None.