EA-01-01-G
State CIO Adopted: August 8, 2023
TSB Approved: N/A
Sunset Review: August 8, 2026

Replaces:
N/A

WaTech
Washington Technology Solutions

INTERIM GUIDELINES FOR PURPOSEFUL AND RESPONSIBLE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

See Also:
RCW 43.105.054 OCIO Governance
RCW 43.105.205 (3) Higher Ed
RCW 43.105.020 (22) "State agency"

Background

The rapid advancement of generative artificial intelligence (AI) has the potential to transform government business processes, changing how state employees perform their work and ultimately improving government efficiency. These technologies also pose new and challenging considerations for implementation.

These guidelines are meant to encourage **purposeful and responsible use** of generative AI to foster public trust, support business outcomes, and ensure the ethical, transparent, accountable, and responsible implementation of this technology.

This document serves as an initial framework for the responsible and ethical use of generative AI technologies within the Washington state government. Recognizing the rapidly evolving nature of AI, these guidelines will be periodically reviewed and updated to align with emerging technologies, challenges, and use cases.

Definition

Generative Artificial Intelligence (AI) is a technology that can create content, including text, images, audio, or video, when prompted by a user. Generative AI systems learn patterns and relationships from massive amounts of data, which enables them to generate new content that may be similar, but not identical, to the underlying training data. The systems generally require a user to submit prompts that guide the generation of new content. (Adapted slightly from U.S. Government Accountability Office Science and Tech Spotlight: Generative AI)

Principles

The intention of the state of Washington is to follow the principles in the NIST AI Risk Framework, which serve as the basis for the guidelines in this document. A foundational part of the NIST AI Risk Framework is to ensure the trustworthiness of systems that use AI. The guiding principles are:

- **Safe, secure, and resilient:** AI should be used with safety and security in mind, minimizing potential harm and ensuring that systems are reliable, resilient, and controllable by humans. AI systems used by state agencies should not endanger human life, health, property, or the environment.
- **Valid and reliable:** Agencies should ensure AI use produces accurate and valid outputs and demonstrates the reliability of system performance.

- **Fairness, inclusion, and non-discrimination:** AI applications must be developed and utilized to support and uplift communities, particularly those historically marginalized. Fairness in AI includes concerns for equality and equity by addressing issues such as harmful bias and discrimination[1].
- **Privacy and data protection:** AI should be used to respect user privacy, ensure data protection, and comply with relevant privacy regulations and standards. Privacy values such as anonymity, confidentiality, and control generally should guide choices for AI system design, development, and deployment. Privacy-enhancing AI should safeguard human autonomy and identity where appropriate.
- **Accountability and responsibility:** As public stewards, agencies should use generative AI responsibly and be held accountable for the performance, impact, and consequences of its use in agency work.
- **Transparency and auditability:** Acting transparently and creating a record of AI processes can build trust and foster collective learning. Transparency reflects the extent to which information about an AI system and its outputs is available to the individuals interacting with the system. Transparency answers "what happened" in the system.
- **Explainable and interpretable:** Agencies should ensure AI use in the system can be explained, meaning "how" the decision was made by the system can be understood. Interpretability of a system means an agency can answer the "why" for a decision made by the system, and its meaning or context to the user.
- **Public purpose and social benefit:** The use of AI should support the state's work in delivering better and more equitable services and outcomes to its residents.

Guidelines

Fact-checking, Bias Reduction, and Review

All content generated by AI should be reviewed and fact-checked, especially if used in public communication or decision-making. State personnel generating content with AI systems should verify that the content does not contain inaccurate or outdated information and potentially harmful or offensive material. Given that AI systems may reflect biases in their training data or processing algorithms, state personnel should also review and edit AI-generated content to reduce potential biases.

When consuming AI-generated content, be mindful of the potential biases and inaccuracies that may be present.

Disclosure and Attribution

AI-generated content used in official state capacity should be clearly labeled as such, and details of its review and editing process (how the material was reviewed, edited, and by whom) should be provided. This allows for transparent authorship and responsible content evaluation.

[1] NIST has identified three major categories of AI bias to be considered and managed: systemic, computational and statistical, and human-cognitive. See NIST AI Risk Framework.

.

- Sample disclosure line: This memo was summarized by Google Bard using the following prompt: “Summarize the following memo: (memo content)”. The summary was reviewed and edited by [insert name(s)].

- Sample disclosure line: (In the file header comments section) This code was written with the assistance of ChatGPT3.5. The initial code was created using the following prompt: “Write HTML code for an Index.HTML page that says, ‘Hello World’”. The code was then modified, reviewed, and tested by the web development team at WaTech.

Additionally, state personnel should conduct due diligence to ensure no copyrighted material is published without appropriate attribution or the acquisition of necessary rights. This includes content generated by AI systems, which could inadvertently infringe upon existing copyrights.

Sensitive or Confidential Data

Agencies are strongly advised not to integrate, enter, or otherwise incorporate any non-public data (non-Category 1 data) or information into publicly accessible generative AI systems (e.g., ChatGPT). The use of such data could lead to unauthorized disclosures, legal liabilities, and other consequences (see “Compliance with Policies and Regulations” section below).

If your agency has a usage scenario that requires non-public data to be used with generative AI technology, contact your agency privacy/security team, or the Office of Privacy and Data Protection for assistance at privacy@watech.wa.gov.

Similarly, where non-public data is involved, agencies should not acquire generative AI services, enter into service agreements with generative AI vendors, or use open-source AI generative technology unless they have undergone a Security Design Review and received prior written authorization from the relevant authority, which may include a data sharing contract. Contact your agency’s Privacy and Security Officers to provide further guidance.

For Local Governments

“Local government” means governmental entities other than the state and federal agencies. It includes, but is not limited to cities, counties, school districts, and special purpose districts (i.e., Public Utility Districts).

We advise that local government agencies in Washington state engage their legal, privacy, or records specialists to validate any policy or regulation that may be in scope for their respective entity as it pertains to any handling of confidential data.

Compliance with Policies and Regulations

State law already restricts the sharing of confidential information with unauthorized third parties. For state employees, RCW 42.52.050 (the state’s ethics law) specifically states: “No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.” The definition of “person” in the state ethics law means “any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.” This definition would include commercial generative AI tools freely available in the market.

Additionally, be aware that using a generative AI system may result in creating a public record under Washington state's Public Records Act. Contact your agency’s Privacy and Records Officers for more information.

Collaboration

Users of generative AI for state and local government use should consider joining the state's AI Community of Practice (AI CoP) and contributing usage scenarios and best practices in your organization to foster collective learning. After receiving approval from your technology leadership that you are authorized to represent your organization in this community, please contact Nick Stowe (nick.stowe@watech.wa.gov) or Katy Ruckle (kathryn.ruckle@watech.wa.gov) to join the AI CoP. Technology leaders across the state are encouraged to lead best practice implementation for their agency's use of generative AI and should be staying aware of and maintaining a list of their agencies use and use cases of generative AI.

Generative AI Usage Scenarios and Dos and Don'ts

Below are several usage scenarios alongside some do's (best practices) and don'ts (things to avoid):

- Rewrite documents in plain language for better accessibility and understandability.
    - **Do** specify the reading level in the prompt, use readability apps to ensure the text is easily understandable and matches the intended reading level, and review the rewritten documents for biases and inaccuracies.
    - **Don't** include sensitive or confidential information in the prompt.
- Condense longer documents and summarize text.
    - **Do** read the entire document independently and review the summary for biases and inaccuracies.
    - **Don't** include sensitive or confidential information in the prompt.
- Draft documents.
    - **Do** edit and review the document, label the content appropriately (see "disclosure and attribution" above), and remember that you and the state of Washington are responsible and accountable for the impact and consequences of the generated content.
    - **Don't** include sensitive or confidential information in the prompt or use generative AI to draft communication materials on sensitive topics that require a human touch.
- Aid in coding.
    - **Do** understand what the code is doing before deploying it in a production environment, understand the use of libraries and dependencies, and develop familiarity with vulnerabilities and other security considerations associated with the code.
    - **Don't** include sensitive or confidential information (including passwords, keys, proprietary information, etc.) in the prompt and code.
- Aid in generating image, audio, and video content for more effective communication.
    - **Do** review generated content for biases and inaccuracies and engage with your communication department before using AI-generated audiovisual content for public consumption.
    - **Don't** include sensitive or confidential information in the prompt.

- Automate responses to frequently asked questions from residents (e.g., in resident support chatbots).
    - **Do** implement robust measures to protect resident data.
    - **Don't** use generative AI as a substitute for human interaction or assume it will perfectly understand residents' queries. Provide mechanisms for residents to easily escalate their concerns or seek human assistance if the AI system cannot address their needs effectively.

Use Cases

The AI Community of Practice will be discussing use cases for generative AI through the subcommittee process. Potential uses cases of "safe AI" by the state include may include cybersecurity scans, environmental assessments (e.g. sea grass videos by DNR), and chatbots to more effectively answer questions about state agency services.

Acknowledgments

The principles presented here are distilled from various documents outlining principles for trustworthy and responsible AI, such as the NIST AI Risk Management Framework; the Blueprint for an AI Bill of Rights; AI Ethics Guidelines by the EU, OECD, and Australia; Industry AI principles by Google, Microsoft, and OpenAI. The guidelines presented here draw inspiration from the previously published Generative AI guidelines by the City of Seattle, the City of Boston, and Washington State University. We extend our gratitude to the respective authors. We also extend our gratitude to the State of Washington's AI Community of Practice for providing feedback on this set of guidelines.