

CONTRA COSTA COUNTY ARTIFICIAL INTELLIGENCE POLICY

- I. **PURPOSE.** Artificial Intelligence (AI) is a rapidly evolving technology that can create written, audio and visual content at a user's direction. AI's primary strength lies in its ability to analyze vast amounts of data and make predictions and decisions. As such, AI has the potential to improve the County's internal operations and enhance public services.

However, AI's output is only as good as its input. As a result, its input may make its output inaccurate or otherwise unreliable. Aside from reliability concerns, AI can use data it receives to generate output, meaning information entered into AI may be revealed to third parties regardless of its sensitivity or confidentiality. AI can also be used maliciously to perpetrate cyber-attacks.

This bulletin recognizes these shortcomings, as well as AI's tremendous potential, and establishes a policy for the responsible and ethical use of AI in the County workplace. The purpose of the policy is to promote transparency, accountability, and fairness in AI-enhanced decision making and communication, while protecting the privacy of individuals and the security of the County's systems and data.

- II. **AUTHORITY.** In accordance with County Ordinance Code Section 24-4.008, the County Administrator is responsible for overseeing and coordinating County departments and has authority and responsibility to implement administrative bulletins.
- III. **APPLICABILITY.** This policy applies to County employees, contractors, and third parties who use AI to perform work on behalf of the County (collectively, Users).
- IV. **DEFINITIONS.**

- a. Artificial Intelligence. For purposes of this bulletin, Artificial Intelligence (AI) encompasses both Traditional AI and Generative AI.

- i. Traditional AI. Traditional AI (also known as Algorithmic AI) is the simulation of human intelligence processes in machines by following rules and algorithms prepared by human creators. Traditional AI is used for data analysis, pattern recognition, and making predictions. For example, traditional AI can be trained to recognize and classify images of trees and flowers.
- ii. Generative AI. Generative AI is the simulation of human intelligence processes based on machine learning, meaning a machine's

recognition of patterns it has come to recognize by reviewing large amounts of data. Generative AI can create new content in response to prompts from humans, such as generating human-like conversations and creating images.

- b. AI Tool. Any software, application, or system that can independently change its own analytical methods and utilizes AI, machine learning, or other advanced algorithms to perform tasks, analyze data, or assist in making decisions. An AI tool may use traditional AI, generative AI, or both.
 - c. Protected Health Information (PHI). Information that was created, used, or disclosed during the provision of health care and that can be used to identify a person.
 - d. Personally Identifiable Information (PII). Information that includes an individual's first name or initial and last name in combination with any one or more of the following:
 - i. Social Security number (SSN);
 - ii. Driver license number or state-issued identification card number;
 - iii. Financial account number, credit card number, or debit card number in combination with any required security code, access code, or password such as expiration date or mother's maiden name that could permit access to an individual's financial account;
 - iv. Medical information (any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a healthcare professional); or
 - v. Health insurance information (an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual, or any information in an individual's application and claims history, including any appeals records).
- V. **USE OF AI TOOLS**. If a County department determines the use of AI would be beneficial for improving services or operations and the risks are minimal, the department may authorize the use of AI by the department's Users, subject to the following limitations:
- a. Privacy and Security.
 - i. AI Tools Inappropriate for Confidential and Sensitive Information. Users may not enter confidential or otherwise sensitive information into

AI Tools, except as otherwise provided in Section V.a.ii. Examples include, but are not limited to, the following types of information:

- A. Personally Identifiable Information (PII);
- B. Protected Health Information (PHI);
- C. Information that is prohibited from disclosure by law;
- D. Content of attorney-client communications;
- E. Information that could compromise the security of the County or County systems; and
- F. Any other confidential or sensitive information.

Questions concerning whether data is prohibited from disclosure by law should be directed to County Counsel's Office.

- ii. Exception – When Confidential or Sensitive Data May Be Entered into AI. Users may enter sensitive or confidential information into an AI Tool only if all of the following criteria are met:

- A. The County has an agreement with the vendor of the AI Tool that limits the use of any data entered solely for County purposes;
- B. The agreement provides adequate security and safeguards against misuse of the data as set forth in *Security Standards for Contracts with Information Technology Vendors*, which can be found on the website of the Department of Information and Technology or can be obtained by emailing doitcustomercare@doit.cccounty.us; and
- C. The agreement includes: (1) adequate indemnification to protect against confidentiality and security and intellectual property claims; and (2) adequate cyber-insurance.

b. Public Use.

- i. Transparency. County departments are responsible for informing members of the public when they are interacting with an AI Tool. Members of the public should be offered an “opt out” alternative to using the AI Tool.
- ii. Entry of Confidential Data. Members of the public should never be prompted to enter potentially confidential or sensitive information into an AI Tool unless the AI Tool has been approved for that use, as set forth in Section V.a.ii.

VI. USE OF AI GENERATED CONTENT.

- a. Decision Making. AI Tools may be used to inform a person's decision-making process but are not a substitute for human judgment. If an AI Tool is used to assist in the decision-making process, AI-generated content should only be one of the factors a person considers in reaching a decision. Department staff are responsible for reaching final decisions and the impact of their decisions.
- b. Original Work. Users may not represent work generated by an AI Tool as their own original work.
- c. Accuracy.
 - i. Verification. Because AI Tools may produce erroneous, false, or nonsensical information or answers, to the extent possible, AI-generated content should be verified by a human to ensure its accuracy.
 - ii. Translations. If AI is used for language translation, the translation should be reviewed by a fluent speaker of the language when feasible.
- d. Fairness. Departments must monitor AI-generated content to ensure the content does not contain biases, particularly those based on race, sex, or other legally protected characteristics.
- e. Additional Rules. Departments may establish additional rules concerning the department's use of AI.

VII. **REPORTING THE INCORRECT USE OF AI TOOLS.** Entry of confidential or otherwise sensitive information into an AI Tool that does not fall within the exception provided in Section V.a.ii must immediately be reported to DoIT at doitcustomer@doit.cccounty.us.

VIII. **CONTINUED LEARNING.** When County provided AI training becomes available, County departments must require Users within the department to complete the training to ensure appropriate use of AI, data handling, and adherence to County policies. As AI evolves, Users may be required to attend updated trainings.

Originating Department: Department of Information and Technology

Monica Nino
County Administrator

DRAFT