EXECUTIVE ORDER

24-06

February 29, 2024

ARTIFICIAL INTELLIGENCE AND DATA CENTERS OF EXCELLENCE

WHEREAS, a modern government requires access to timely and accurate data to make informed decisions and maximize the effectiveness and efficiency of public programs;

WHEREAS, external researchers have a substantial interest in government data to improve public understanding and programs;

WHEREAS, state agencies create, acquire, use, and maintain substantial amounts of data in their operations, with data stored on numerous systems or platforms;

WHEREAS, the integrity, confidentiality and availability of data must be maintained in accordance with federal and state laws, regulations and policies;

WHEREAS, the Rhode Island Longitudinal Data System (RILDS) Executive Board, established by R.I. Gen. Laws § 42-165-5, issued the Rhode Island Data Governance Program Plan on November 1, 2023;

WHEREAS, Rhode Island has two platforms that integrate data to improve state operations, the Office of Post Secondary Commissioner (OPC) RILDS and the Executive Office of Health and Human Services (EOHHS) Ecosystem;

WHEREAS, the federal Family Educational Rights and Privacy Act and its accompanying regulations ("FERPA") govern the access to and disclosure of personally identifiable

information from student education records, which includes those records and data developed and maintained by OPC, Rhode Island Department of Education (RIDE), and other educational agencies and institutions which receive federal funding;

WHEREAS, the federal Health Insurance Portability and Accountability Act ("HIPAA") and its accompanying regulations govern the access to and disclosure of protected health information, which includes those records and data held or transmitted by health plans, healthcare providers, healthcare clearing housings, and other covered entities to ensure that sensitive and protected healthcare information is not disclosed without the patient's knowledge or consent;

WHEREAS, effective data security and privacy controls and standards are essential to ensure the protection and reduce the risk of unauthorized access of data by humans or Artificial Intelligence (AI) algorithms;

WHEREAS, requests to the data systems for research, data and/or analysis are subject to the data governance structure of each data system and any data sharing agreements between each respective data system and any data-sharing agencies;

WHEREAS, reliance upon a well-governed, secure, and standardized data program is necessary for efficient, ethical and unbiased AI adoption;

WHEREAS, ethical and unbiased AI adoption in state government operations has the potential to enhance Rhode Island's ability to deliver services more efficiently and effectively;

WHEREAS, AI, having been introduced in many industries, presents an opportunity for Rhode Island to upskill its workforce in response; and

WHEREAS, the Division of Enterprise Technology Strategy and Services (ETSS) within the Department of Administration (DOA) is established in § 42-11-2.8 to lead the strategic technology decisions and efforts across all executive branch state agencies.

NOW, THEREFORE, I, DANIEL J. MCKEE, by virtue of the authority vested in me as Governor of the State of Rhode Island, do hereby order as follows:

1. Pursuant to the Rhode Island Data Governance Program Plan, the DOA, the EOHHS Data Ecosystem, and the OPC RILDS shall create a single state data governance structure that:

    i.   leverages existing governance best practices and protocols;

    ii. creates a statewide technological infrastructure, in the form of a federated data platform;

      iii.   collaborates with the ETSS's Data Center of Excellence to develop policies for the use, access, storage, and retention of data;

      iv.   improves transparency and public accessibility of data, including increasing the availability of dashboards, plain language summaries; public data catalogs of research and reports;

      v.   maintains agency data ownership, with each agency approving any data-sharing efforts;

      vi.   enhances data availability for internal state use, ensuring data is accessible to state analysts to conduct broad analysis of state programs, thereby improving the State's understanding of the operation and impact of its programs; and

      vii.   improves data availability for external researchers. Data shall be made available to researchers to the greatest extent possible limited to allow evidence-based improvements to state programs.

2. State data researchers, including those located at DOA, the Ecosystem, RILDS, or other state data organizations involved in state data efforts, shall be considered agents of the state programs they support through data analysis to the extent permitted by applicable agreements signed by participating agencies or any governing bodies.

3. The DOA shall create a Chief Data Officer (CDO) within ETSS, appointed by the Director of Administration and reporting to the Chief Information Officer. The CDO will be responsible to develop, implement and maintain a Data Center of Excellence to promote inter-governmental collaboration of data activities, under the direction of the state data governance structure, that focuses on developing strategies and recommendations to improve:

      i.   data operations, including the collection, storage, management, accessibility, and usability of data;

      ii.   data quality management, including conducting rigorous data validation, improving data cleaning, and monitoring data accuracy;

      iii.   efficient and effective use of data and analytics by agencies to enhance government operations; and

      iv.   standards for improved data sharing, and federation among data systems, and making the state ready for the adoption of AI.

4. The CDO, with the support of the DOA, shall also establish an AI Center of Excellence to promote AI policy and procedures and improve state operations. The AI Center of Excellence, working with state agencies, shall include:

    i. the creation of a state code of ethics for AI to minimize bias and create a framework that supports and guides state employees;

    ii. consultations with Institute for Cybersecurity & Emerging Technologies at Rhode Island College and other experts in AI as applicable; and

    iii. development of a risk analysis and safeguards for the use of AI, including predictions about future trends and advancements.

5. All Rhode Island state agencies shall:

    i. participate in the federated data system governance to the extent practical;

    ii. identify datasets of greatest value for policy analysis efforts and investigate the feasibility of making them available for the federated data system and other internal policy analysis efforts;

    iii. share data to the greatest extent possible as practical and permissible under law;

        a. Where access to or sharing of data is prohibited by written agreement or by law, the agency will provide the CDO and state data governance with written notice of such prohibition;

        b. Where access to or sharing of data is restricted by written agreement or by law, the agency will work with the CDO and state data governance to establish procedures to allow relevant portions of data to be accessed by internal researchers, including the Data Center of Excellence. Such procedures may include but are not limited to redacting or anonymizing the data or providing additional protections to comply with applicable restrictions.

    iv. identify opportunities for AI to be securely and transparently implemented to enhance agency and general state government operations.

6. There is hereby established an AI Task Force charged with assessing the risks and opportunities presented by the proliferation of AI and advising state policy makers, members of which shall be appointed by the Governor and serve at the pleasure of the Governor. The Governor will appoint a chair and membership shall include
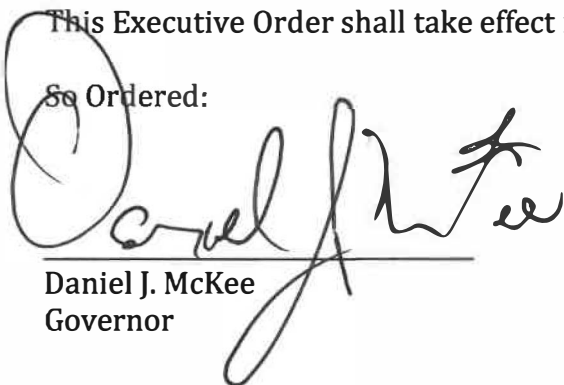
stakeholders from the public and private sectors. The Task Force shall comply with the Open Meetings Act.

7. The Department of Labor and Training (DLT), RIDE, and OPC shall collaborate on the development of AI training and education opportunities for:

    i. state workers, in partnership with the DOA;
    ii. employees of municipalities, quasi-public agencies, and public institutions of higher education, in coordination with their employer; and
    iii. private-sector employees, using the Real Jobs Rhode Island platform to identify and provide industry-led workforce development services on the utilization of AI tools for Rhode Island jobseekers and workers.

DLT, RIDE and OPC shall also identify ways to incorporate AI-related training in existing state training programs and in state higher education curriculums.

This Executive Order shall take effect immediately upon the date hereof.

So Ordered:

Daniel J. McKee
Governor