Administrative Policy 9-6 Information Technology Artificial Intelligence (AI) Policy

Approved by: Board of Supervisors of the County of Sonoma ("County"), and the Boards of Directors of the Russian River County Sanitation District, Sonoma Valley County Sanitation District, Occidental County Sanitation District, South Park County Sanitation District, and the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District (collectively referred to hereinafter as "Special Districts"), and the Sonoma County Water Agency ("Agency"), and the Board of Commissioners of the Sonoma County Community Development Commission ("Commission"). The County, Special Districts, Agency and Commission are collectively referred to herein as "Local Agencies" or singularly as "Local Agency."

Approval Date: 9/10/2024

Purpose

The purpose of this policy is to define the scope in which Artificial Intelligence (AI) may be utilized by Local Agency employees and others performing work on behalf of the County. AI is an evolving technology and, while it may be used to perform a variety of functions and/or tasks, it is essential that this policy be followed to ensure compliance with existing laws, regulations, and policies related to data protections and proper usage.

Scope

This policy applies to all Local Agencies, contractors, and any other third-party individuals or entities who have access to AI technologies or are involved in using AI tools or platforms on behalf of the County of Sonoma, whether on or off County premises.

In addition to this policy specific to AI and County Administrative Policy 9-2 Information Technology Use and Security Policy, Local Agencies may provide additional guidance on the use of AI. Where a conflict exists between this Policy and a Local Agency's policy, the more restrictive policy will take precedence. Users shall

consult with their supervisor or manager to inquire about any additional guidance the Local Agency may have regarding usage.

Maintenance

This Policy is subject to review at least annually by the Information Systems Director or Designee.

Definitions

Artificial Intelligence (AI) — Artificial intelligence is the simulation of human intelligence processes by machines, especially computer systems that are used to perform tasks that could act and learn in such a way that could replace human intelligence. Examples of AI include:

- Limited Memory Artificial Intelligence (AI) – A form of AI that mimics the human brain's ability to retain information and learn from past experiences. Examples of commonly used technologies in this category include generative AI, virtual assistants, and chatbots.
- 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 to the original data. The systems generally require a user to submit prompts that guide the generation of new content. ChatGPT is one type of Generative AI tool that is currently used for text-based generations and conversations.
- ChatGPT (CHAT Generative Pretrained Transformer) — A Generative AI-powered chatbot from the OpenAI research company that simulates a human speaking English and other languages. ChatGPT is used to generate a response when asked open-ended questions about any topic. It is also used for writing or fine-tuning letters, emails, or other documents; writing and troubleshooting program code; composing music; producing short essays or articles; and much more.
- Machine Learning (ML) — Machine learning is a subset of artificial intelligence (AI) and computer science which focuses on the use of data and algorithms to imitate the way that humans learn, and gradually improving its

accuracy and performance based on the data it consumes. ML could also identify patterns and make predictions from data and past experience.

- Microsoft Copilot – A free AI tool that incorporates a limited version of OpenAI's ChatGPT into Microsoft Bing and Edge, and it is available as a digital assistant type of program starting with Windows 11.
- Microsoft Copilot Pro – A premium version of Microsoft Copilot that incorporates the paid version of OpenAI's ChatGPT into Microsoft Bing and Edge, and it is available as a digital assistant type of program starting with Windows 11.
- Microsoft Copilot for Microsoft 365 — A version of Microsoft Copilot that interfaces with data that is stored in Microsoft 365, such as Email, OneDrive, and SharePoint Online. Microsoft 365 Copilot also integrates with M365 apps, such as Word, Excel, PowerPoint, Teams, etc. There are many other AI tools, but the above tools are some of the higher profile tools that are available at this time.

Adverse Action

Failure to comply with this Policy manual may result in disciplinary action up to, and including, termination in accordance with County Civil Service Rules or a Local Agencies' separate and distinct disciplinary rules and procedures.

Policy

1. Introduction

This policy encompasses the use of all AI technologies, with a particular focus on Limited Memory AI technologies, such as Generative AI, given that Generative AI represents the predominant form of AI currently in use. Some examples of common tasks that Generative AI may assist users with, include creating or editing:

- Emails and letters
- Sales and advertising materials
- Spreadsheet calculations
- Document or information sorting
- Coding development or debugging
- Blog posts, reports, and other publications
- Outlines or summaries of information
- Policies and job descriptions
- Memoranda and similar documents

There can be risks in using this technology, including uncertainty about ownership of the AI-created content and security and privacy concerns with inputting proprietary or confidential information about an employee, client, operations, etc. when interacting with the AI technology. Additionally, the accuracy of the content created by these technologies cannot be relied upon, as the information may be outdated, protected, misleading or fabricated. This policy is provided in support of County Administrative Policy 9-2 Information Technology Use and Security Policy.

2. Roles and Responsibilities

Administrative Policy 9-2: Information Technology Use and Security Policy describes roles and responsibilities related to technology use and security, which are also relevant to this policy, but below are additional responsibilities related to artificial intelligence (AI).

A. User Responsibilities

Users are all workforce members (employees or any other individual performing work on behalf of, or with approval of Local Agencies) authorized to access Local Agency IT resources and are responsible for:

1. Reviewing this policy to ensure that they understand the risks of using AI tools and how to use them in a safe, secure, and compliant manner; and

2. Using artificial intelligence in accordance with this policy.

B. Local Agency Department Head/General Manager

Local Agency Department Head/General Manager and/or Designee are responsible for:

1. Enforcing this Policy manual within their Local Agency;

2. Ensuring all Users of Local Agency IT resources and data are made aware of this policy and that compliance is mandatory;

3. Ensuring all Users receive education regarding their responsibilities before using artificial intelligence;

4. Determining how Artificial Intelligence (AI) should be utilized by Users within their Local Agency and establishing supplemental artificial intelligence policies, standards, procedures, or guidelines as needed for their business

purposes, provided they are not less restrictive than County policies. Prior to final approval, Local Agency Department Head/General Manager and/or Designee are responsible for:

    a. Providing supplements to Human Resources for review;

    b. Providing notice to employee organizations regarding any proposed supplements; and

    c. Providing supplements to Local Agency's Local Information Service Provider to review for consistency with County/Local Agency IT security policies;

5. Provide training in support of established procedures and guidelines; and

6. Obtaining a signed acknowledgment from Users that they have had an opportunity to read, and will comply with, this Policy manual before using artificial intelligence.

3. Limited Use

Due to the inherent risks of this new and evolving tool, and the need to comply with this policy and other County Administrative Policies, including but not limited to 9-2 Information Technology Use and Security, use of AI technology while performing work for the County of Sonoma must be limited. For example, no County confidential, restricted, personal, proprietary, or protected data of any kind, including data that is not owned by the County, may be shared (copied, typed, interfaced, etc.) with these platforms without performing a due diligence and compliance review as described below, which includes a review by County Counsel, as it would be a violation of County Administrative Policy 9-2 Information Technology Use and Security and, depending on the information, it may violate state and/or federal law. This includes installing AI technologies on County owned and managed systems. One of the key features of AI is its ability to memorize and learn from the information and data that is shared with it so, when AI has access to County data, even self-contained AI technologies that run on County owned and managed systems, it may share the sensitive data that was used to train it with others.

The use of transcription or other tools that have access to phone calls, video conferences, or other recorded conversations shall not be used without guidance from County Counsel. Use of these tools may violate attorney-client privilege,

California State law regarding the recording of two-party conversations (which is a crime), or other regulations, such as the Health Insurance Portability and Accountability Act (HIPAA) or Criminal Justice Information Systems (CJIS). If these services are not used properly then the individual using the technologies could violate the law, which could result in the individual being fined or imprisoned. For all of these reasons these technologies are discouraged although, for certain use cases, they may be appropriate when implemented with guidance from County Counsel.

AI tools are known for generating content that is not accurate or in some cases, the content is completely made up. This is referred to as AI hallucinations. For this reason, all AI generated content must be reviewed for accuracy. AI tools may also generate content that is the same or closely similar to content owned by others, including content that has a copyright, patent, or trademark. If any AI generated content is known to be or later discovered to owned by others, then immediately cease using the content and report the discovery to County Counsel for review.

Reliable sources for fact checking include official documents and statements, academic journals and publications, encyclopedia, and reference books (this does not include Wikipedia, or similar user-data driven websites), and government websites. Best practices for verifying data include but are not limited to checking multiple sources, critical thinking and context, peer-expert consultation, and checking for citations and references.

AI technology shall not be used for obtaining legal or other professional advice otherwise requiring licensure. AI technology shall not be used to create work product that requires a professional license or certificate e.g., legal, medical, engineering, surveying, etc. AI technology shall not be used as a replacement for required County Counsel review, or any review and certification by any other licensed professionals. Improper use of AI may constitute unlicensed practice of professional trades (e.g., unlicensed practice of law, unlicensed surveying, etc.), which is a crime.

4. Bias and Discrimination

AI technologies may produce biased or discriminatory results, so AI shall not be used for any type of decision-making activities that may exclude options from otherwise being considered.

Some activities that AI shall not be used for include, but are not limited to: Reviewing, narrowing down, or selecting potential new employees, employees for promotions, proposals submitted by potential vendors responding to request for proposals (RFP), decisions about health care, benefits, or any other type of activity that might exclude an option from otherwise being considered.

AI should only be used in a similar manner to a Google or Bing search, as part of an information gathering activity or to fine tune verbiage for a letter, email, or other document, where the final decision on how to proceed is left up to a human being.

Follow all applicable laws, regulations, and County policies when using AI.

5. Ethical Use

Each employee is responsible for using AI tools in a manner that ensures the security of sensitive information and aligns with County policies including, but not limited to, Sonoma County Administrative Policy 9-2 Information Technology Use and Security, Equal Employment Opportunity Policy, and Civil Service Rules. These technologies shall not be used to create content that is inappropriate, malicious, discriminatory, or otherwise harmful to others or the County.

Employees shall also comply with all data privacy and security standards such as those found in HIPAA, CJIS, the Internal Revenue Service (IRS), and the California Consumer Privacy Act (CCPA) to protect Personally Identifiable Information (PII), Protected Health Information (PHI), or any sensitive data in AI prompts. Employees must also treat AI prompts as if they were publicly visible online to anyone, and treat AI prompts, data inputs, and outputs as if they are subject to the California Public Records Act.

6. Transparency

The use of AI systems should be explainable to those who use and are affected by their use. To ensure transparency when using this technology, indicate when AI significantly contributed to a work product. When considering types of contributions, use the following guide as a template for citations:
  1. Whole Document Example: [AI Assistance: This document was generated with the assistance of an Artificial Intelligence language model, OpenAI GPT-4, 2023.]

2. Whole Document Example: [Artificial Intelligence contributed to the development of this document using Google Bard, 2023.]
3. Specific Citation Example: OpenAI. (2023). *ChatGPT* (Mar 14 version) [Large language model]
4. In text example for specific information: (OpenAI, 2023)

7. AI Due Diligence and Compliance Review

Given the high risks associated with using AI, all AI technologies must be reviewed for security and compliance before they are implemented in order to ensure data protection, legal compliance, and adherence to County policies, covering the following key areas:

1. Data Access and Protection:
   - Identification of the types of data AI technologies will access; and
   - Assurance that data will be adequately protected against unauthorized access.
2. Vendor Data Usage:
   - Clarification on the vendor's intentions with the County's data, including:
     i. Utilization for AI platform training purposes; and
     ii. Potential sale or use of insights derived from County data.
3. Legal and Regulatory Compliance:
   - Evaluation of AI deployment against existing laws, regulations, and County policies to prevent legal violations.
4. Security Assessment:
   - Completion of a security review by the County Information Security Officer to identify and mitigate potential vulnerabilities.
5. Contractual and Legal Safeguards:
   - Review by County Counsel of all contracts or terms of use to ensure they contain adequate legal protections for the use and confidentiality of County data.

This comprehensive due diligence process is designed to safeguard both the County's interests and users of AI technologies.

Summary

AI presents users with an opportunity to work better, faster, and smarter. However, because the technology and the laws surrounding it are evolving and present

unknown risks, its adoption comes with ethical considerations. Remember the following fundamental rules when using any AI technologies:

1. Never submit personal or confidential information into AI technologies.
2. Review, revise, test, and fact check any output from AI technologies.
3. Be transparent when content is drafted using AI technologies.
4. Return to this document often, as guidance on usage can change rapidly.
5. Consult with the County Information Security Officer and County Counsel before implementing new AI technologies.

By keeping the above guidance, County policies, and Civil Service Rules in mind when using AI technologies, we can take measures to help ensure the safe and responsible use of AI by the employees of the County.

Related Documents

- Administrative Policy 9-2: Policy for Departmental Computer Use
- Administrative Policy 9-4: Information Technology Professionals Policy Manual
- Administrative Policy 9-5: Policy for Information Technology Governance

Acknowledgments

Some content presented in This policy are condensed from various sources highlighting baselines for responsible and reliable AI including, but not limited to, Industry AI principles by OpenAI, Microsoft, and Google in addition to NIST AI Risk Management Framework, NIST Special Publication 1270, Gartner, and materials generated by OpenAI ChatGPT that was reviewed by ISD.

Revision History

Version	Date	Chapter/Section	Details
1.0	9/10/2024	All	New Artificial Intelligence (AI) Policy created.

County of Sonoma

9-6 Information Technology Artificial Intelligence (AI) Policy

Acknowledgment

I acknowledge that I have received, have been given the opportunity to read, and will comply with the County of Sonoma Administrative Policy 9-6 – Information Technology Artificial Intelligence (AI) Policy. I understand that failure to comply with the Policy may result in disciplinary action up to and including termination of employment.

_____   _____

Print Name   Signature

_____   _____

Local Agency   Date

Appendix A - Generative AI Do's and Don'ts Guidelines

The following Do's and Don'ts are specifically tailored to Generative AI tools, such as ChatGPT, but the overall concepts remain the same for all AI tools.

Do's

- Provide Clear Instructions: Begin your interaction with a clear and specific instruction to guide AI tool's response.
- Experiment with Prompts: If the initial response isn't what you're looking for, iterate by refining your prompts or instructions.
- Ask Open-ended Questions: Frame questions in a way that encourages detailed and informative responses, rather than simple yes/no answers.
- Review and Edit: Always personally review and edit the entire AI-generated content before using or sharing it to ensure accuracy and appropriateness.
- Use as a Creative Tool: Utilize reputable AI tools from providers such as Microsoft, OpenAI, and Google to brainstorm ideas, generate creative content, or explore new perspectives.
- Provide Context: When necessary, give context for your questions or prompts to help AI tools understand the context better.
- Learn from Responses: Engage in conversations with AI tools to learn new information or gain insights on various topics.
- Share Constructive Feedback: If AI tools provide inaccurate or inappropriate responses, provide feedback to help improve their performance.
- Use AI tools only on secure networks.
- Be aware that all prompts, dialogue, and posts become part of the AI's permanent memory and is NOT recorded anonymously.

Don'ts

- Don't Share Personal, Restricted or Confidential Information: Do not share personal, restricted, or confidential information with AI tools.
- Don't Use for Any Decision-Making Purposes: All decisions, including a decision to exclude an option from being considered, SHALL always be made by a human being and in line with County decision making practices.
- Don't Use for Harmful Purposes: Do not use AI tools to generate content that is offensive, abusive, or harmful to others.

- Don't Rely Blindly on Responses: While some AI tools can provide information, don't rely solely on their responses. Verify critical information from reliable internal and/or external sources such as County Counsel.
- Don't Use for Deceptive Practices: Do not use AI-generated content to deceive or mislead others. Clearly identify when content is generated by AI.
- Don't Engage in Extremist or Illegal Activities: Do not use AI tools to promote or engage in any illegal activities that expose you or the County to liability.
- Don't Expect Perfect Responses: Understand that AI tools might provide inaccurate, irrelevant, or nonsensical responses at times.
- Don't Violate Copyright protections or Plagiarize: Do not use AI to generate content that violates copyright laws or plagiarizes from other sources.
- Don't Overlook Bias: Be aware of potential biases in AI-generated content and avoid using biased results. Don't share ANY information that you wouldn't want publicly posted and traceable back to you, including biased viewpoints.
- Don't use AI in instances where the work in question is required to be performed by someone who has the requisite license or certificate, such as law, engineering, medical, etc.