

COUNTY OF SAN DIEGO, CALIFORNIA BOARD OF SUPERVISORS POLICY

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Purpose

The purpose of this policy is to establish responsible Artificial Intelligence (AI) principles and management requirements County departments will observe when acquiring and using software, services, or systems that meet the definition of Generative Artificial Intelligence (GenAI), Artificial Intelligence (AI), or Automated Decision Systems.

Definitions

1. Artificial Intelligence: The capability of computational systems to perform tasks typically associated with human intelligence, such as learning, reasoning, problem-solving, perception, and decision making.
2. Generative Artificial Intelligence: A type of AI that can create new and original content or data based on patterns it has learned from existing datasets.
3. Automated Decision Systems: A computational process, often powered by AI or machine learning, that makes or supports decisions, potentially impacting individuals, without requiring human intervention or judgment.

Background

This policy document includes principles that apply to all AI technologies; however, the policy statements apply primarily to GenAI systems as its outputs carry the greatest potential risk around AI bias, privacy, and cybersecurity.

The key objectives are to:

- Ensure AI systems are used for appropriate County purposes and in accordance with applicable local, state, and federal laws.
- Maintain confidentiality, integrity, and availability of information used and generated by AI systems.
- Outline the objectives and principles for County usage of AI systems.
- Ensure that all AI systems used by the County or on its behalf adhere to the general principles of accuracy, transparency, equity, accountability, utility, and privacy.
- Establish and maintain processes to assess and manage risks presented by AI systems used by the County.
- Align governance of AI systems with existing County security and data privacy measures in accordance with the County's Information Security and Data governance Policies.
- Convey prohibited uses of AI systems.
- Support compliance with applicable laws and regulations.

Policy

It is the policy of the Board of Supervisors that the County's use of AI systems be in accordance with the County

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of San Diego Artificial Intelligence Bill of Rights (attached to this Policy) and with the following:

Acquisition of Generative AI Technology:

1. Employees are not permitted to use free-to-use GenAI websites or models that require the employee to create an account and agree to the terms and conditions of the GenAI company.
2. Consistent with the County's standards for acquisition of technology resources, the County Technology Office (CTO) may authorize County employees to use pre-approved GenAI software tools, or County employees may request an exception, or non-standard Notice of Decision (NOD) for acquisition or use of GenAI software through the CTO's current request process.
3. CTO may revoke authorization for a technology that adds AI capabilities or may restrict the use of those AI capabilities, if, in its judgment, those AI capabilities present risks that cannot be effectively mitigated to comply with this policy or other County policies.
4. The County's standard for technology acquisition applies to all technology, including free-to-use software or software-as-a-service (SaaS) tools.
5. If a technology that has already been approved for use in the County adds or incorporates GenAI capabilities, a re-evaluation is required by the CTO Office in accordance with enterprise architecture cloud review policy before the AI product features can be put into production. Also, all other aspects in this policy apply to said use.

Use of Generative AI Outputs:

6. Outputs of GenAI systems must be reviewed by a human in the loop (HITL) prior to public consumption when used in an official County capacity. HITL review processes shall be documented by owning departments and shall describe how the HITL review was conducted to adhere to the principles outlined in this document. The owning department shall have County Compliance (or associated official compliance team) review the process.

Attribution, Accountability, and Transparency of Authorship:

7. All images and videos created by GenAI systems must be attributed to the appropriate GenAI system.

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Wherever possible, attributions and citations should be embedded in the image or video (e.g., via digital watermark).

8. If text generated by an AI system is substantially used in a final product, attribution to the relevant AI system is required and citations are made to reflect the use of other published and copyrighted material.
9. Departments shall be responsible for determining the threshold above which text generated by an AI system is “substantial,” consistent with the principles outlined in this document as well as relevant intellectual property laws.

Reducing Bias and Harm:

10. GenAI systems may produce outputs based on stereotypes or use data that is historically biased against protected classes. County employees must leverage Justice, Equity, Diversity, and Inclusion (JEDI) team resources and apply a Racial Equity Toolkit (RET) prior to the use of a GenAI tool, especially uses that will analyze datasets or be used to inform decisions or policy. As per the objectives of the JEDI program, the RET should document the steps the department will take to evaluate AI-generated content to ensure that its output is accurate and free of discrimination and bias.

Data Privacy:

11. Use of GenAI tools shall be consistent with the principles and standards described in the County’s Classification, Protection Level, and Proper Security Policy (Administrative Manual section 0400-11).
12. County employees must comply with all data privacy and security standards such as Health Insurance Portability and Accountability Act (HIPAA), Criminal Justice Information (CJI), Criminal Justice Information Systems (CJIS), 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 used in GenAI prompts.
13. Data classified by the County’s data classification guidelines as Sensitive, Confidential or Confidential with Special Handling, or that otherwise may not be disclosed to the public shall not be entered or uploaded into GenAI systems that have not been approved by CTO for that purpose.

Public Records & County Records Management:

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14. Records generated, used, or stored by GenAI vendors or solutions may be considered public records subject to disclosure under the California Public Records Act.
15. GenAI solutions and/or vendors approved for County use shall be required to support retrieval and export of all prompts and outputs as well as model training details (either via exposed functionality or through vendor contract assurances).

Prohibited Uses

The use of certain AI systems is prohibited because they deal with sensitive or confidential information, and there is a higher risk that they can cause harm. To ensure equity, prohibited uses include the following:

- Purposes that require non-publicly available County data input into non-authorized web-based AI systems.
- Real-time and biometric identification.
- Fully automated decisions that do not require any meaningful human oversight (HITL) but substantially impact individuals.
- Social scoring, or the use of algorithmic systems to track and classify individuals based on their behaviors, socioeconomic status, or personal characteristics.
- Cognitive behavioral manipulation of people or specific vulnerable groups.

If County staff become aware of an instance where an AI system has caused harm, staff must report the instance to their supervisor and the County Privacy Officer (CPO), or equivalent.

Exceptions:

Exceptions to this policy must be approved in advance through submission of a request to the CTO. Note: this section refers to exceptions to this policy as it relates to GenAI tools that are in use by the County. It does not refer to requests for acquisition of non-standard applications or technologies.

CTO will review exception requests according to its current compliance and security standards. CTO shall either approve, deny, or defer a request according to its adherence to compliance and security standards and the general principles within this policy.

Possible Consequences of Identified Misuses:

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Observance of these policies and procedures is essential to the delivery of County services and programs and to the integrity, security, and confidentiality of County data/information. Violation of these or other policies related to County data/information or information systems may constitute a failure to perform regular duties and assignments, and may result in any or all of the following:

- Reporting of the incident(s) to management.
- Possible revocation of access privileges.
- Possible disciplinary action in accordance with Civil Service Rules, up to and including termination.

Responsible Departments

1. County Technology Office (CTO)

Attachment

County of San Diego Artificial Intelligence Bill of Rights.

Sunset Date

This policy will be reviewed for continuance by 12-31-2026.