DUTY STATEMENT

Employee Name: Position Number: 580-140-5778-053

Classification: Tenure/Time Base: Attorney Permanent/Full-Time

Working Title: Work Location: Privacy Attorney 1415 L Street, Sacramento, CA 95814

Collective Bargaining Unit: Position Eligible for Telework (Yes/No): R02 Yes

Center/Office/Division: Branch/Section/Unit: Office of Legal Services Regulations, Privacy, and Special Projects

All employees shall possess the general qualifications, as described in California Code of Regulations Title 2, Section 172, which include, but are not limited to integrity, honesty, dependability, thoroughness, accuracy, good judgment, initiative, resourcefulness, and the ability to work cooperatively with others.

This position requires the incumbent to maintain consistent and regular attendance; communicate effectively (orally and in writing) in dealing with the public and/or other employees; develop and maintain knowledge and skill related to specific tasks, methodologies, materials, tools, and equipment; complete assignments in a timely and efficient manner; and adhere to departmental policies and procedures.

All California Department of Public Health (CDPH) employees perform work that is of the utmost importance, where each employee is important in supporting and promoting an environment of equity, diversity, and inclusivity, essential to the delivery of the department’s mission. All employees are valued and should understand that their contributions and the contributions of their team members derive from different cultures, backgrounds, and life experiences, supporting innovations in public health services and programs for California.

Competencies

The competencies required for this position are found on the classification specification for the classification noted above. Classification specifications are located on the California Department of Human Resources’ Job Descriptions webpage.

Job Summary

This position supports CDPH’s mission and strategic plan by working towards protecting the personal health information of all Californians.

The Attorney is responsible for legal work for the Department relating to privacy and regulations. The Attorney provides legal analysis relating to privacy issues surrounding breaches of personal and other confidential information, along with data use agreements and privacy contracting, or related to state and federal privacy laws including, but not limited to, the Information Practices Act (IPA) and the Health Insurance Portability and Accountability Act (HIPAA). The Attorney also reviews and negotiates privacy contracts, including data use agreements and other agreements related to privacy data sharing; provides general disclosure analysis related to state and federal privacy laws; drafts regulations for the Department on a variety of complicated and sensitive public health law regulatory issues; and performs a wide variety of services and provide expertise in advising Departmental programs relating to the
Administrative Procedure Act (APA).

The Attorney works under the general direction of the Career Executive Assignment (CEA) Assistant Chief Counsel (ACC) of the Regulations, Privacy, and Special Projects team within the Office of Legal Services (OLS).

### Special Requirements

- [x] Conflict of Interest (COI)
- [ ] Background Check and/or Fingerprinting Clearance
- [ ] Medical Clearance
- [ ] Travel:
- [ ] Bilingual: Pass a State written and/or verbal proficiency exam in
- [x] License/Certification: Membership to the California State Bar
- [ ] Other:

### Essential Functions (including percentage of time)

25% Primarily responsible for legal review, drafting, and the analysis of privacy agreements and privacy contract exhibits, including Business Associate Agreements. Drafts, reviews, and negotiates Department contracts, data use agreements (including coordination with other OLS team attorneys and the Information Security Office (ISO)), to ensure that confidential Departmental data is adequately safeguarded and is used and disclosed in compliance with state and federal laws relating to privacy including, but not limited to, IPA and HIPAA. Assists with representing the Department in external privacy contracting committees and workgroups.

25% In coordination with the Privacy Officer, analyzes Department privacy/security incidents and initiates and/or implements responses (e.g., reporting, training, referral for discipline, etc.) as required for compliance with state and federal privacy laws. Administers Department confidential data privacy/security breach legal issues, including the application of Federal and State privacy laws, both for those applicable to the Department and to the Department’s contractual business partners and other data recipients. Coordinates legal breach notifications by Department programs and contractual business partners to affected patients, clients, employees, and other individuals whose confidential information is breached.

20% Provides general privacy legal analysis and disclosure analysis in support of Departmental Centers and Programs. Assists with external compliance activities and audits, conducted both internally and externally, related to privacy. Assists with developing and overseeing privacy training, the review of privacy legislation, and providing general privacy legal review for internal and external stakeholders.

20% Drafts progressively more difficult and complex and sensitive regulation package documents in support of the Department’s Public Health Programs. Ensures regulation package documents, including text, Initial Statement of Reasons, and Informative Digest, are compliant with the statutory requirements of the APA. Reviews proposed regulation packages for appropriate language and program elements, which may not comply with the APA standards of clarity, necessity, authority, reference, duplication of any other Federal or State statute or
regulation, and consistency with all other applicable laws.

**Marginal Functions (including percentage of time)**

10% Performs other legal research work-related duties as required.

I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties and have provided a copy of this duty statement to the employee named above.

I have read and understand the duties and requirements listed above and am able to perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation may be necessary, or if unsure of a need for reasonable accommodation, inform the hiring supervisor.)

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**HRD Use Only:**
Approved By: Alyssa Ballesteros-Agulo 8/26/2022