

DUTY STATEMENT

DS 3022 (8/2026)

**DEPARTMENT OF DEVELOPMENTAL SERVICES
OPERATIONS
LEGAL AFFAIRS DIVISION**

DUTY STATEMENT

JOB TITLE: Attorney IV (Privacy)**POSITION #:** 472-543-5780-003**WORKING TITLE:****EMPLOYEE:**

POSITION DESCRIPTION: The Attorney IV acts as the Department of Developmental Service's (Department) designated Privacy Officer. The Attorney IV serves as an expert on the statutes, regulations, and policies and procedures related to the maintenance and protection of confidential and/or private information. Under general direction of the Chief Counsel and Assistant Chief Counsels, the Attorney IV advises the Director, executive staff, state-operated facilities, the Information Technology Division's privacy-related personnel, and the human resources staff on privacy-related issues. The incumbent also assists the 21 private nonprofit regional centers, and other communities on privacy compliance, as may be appropriate. The Attorney IV takes the lead on breaches or suspected breaches of confidential information; develops and implements Department privacy policies and procedures; monitors privacy compliance and risk management; analyzes, interprets and provides positions on proposed privacy and data sharing legislation; drafts contractual documents to ensure protection of the Department's confidential information; and engages in litigation strategy.

The Attorney IV, under general direction of the Chief Counsel and Assistant Chief Counsels, using broad discretion and working independently, also provides legal and policy advice on administrative, procedural, regulatory issues and projects that have a significant impact on Departmental operations and policy. The incumbent will train and mentor Attorney and Attorney III staff counsel on all of the above. The Attorney IV also represents the Department in proceedings before state and federal courts and administrative bodies throughout the state.

SUPERVISION EXERCISED: The Attorney IV does not directly supervise any staff but may act in a lead capacity with an Attorney III or Attorney, and/or other clerical staff.

SUPERVISION RECEIVED: Reports directly to the Chief Counsel and Assistant Chief Counsels.

EXAMPLES OF DUTIES:Essential Job Functions:

50% Serves as the Department's designated Privacy Officer. Functions as the subject matter expert for the Department in the area of privacy, including the Health Insurance Portability and Accountability Act (HIPAA), the Health Information

- Technology for Economic and Clinical Health Act (HITECH), the Information Practices Act (IPA), Welfare and Institutions Code sections 4514, et seq., California Confidentiality of Medical Information Act, Statewide Health Information Policy Manual (SHIPM), State Administrative Manual Chapter 5300, and other complex federal and state regulations and statutes. In consultation with the Chief Counsel and Assistant Chief Counsels, provides the Director, executive staff, the state-operated facilities, the Information Technology Division privacy-related staff with opinions, advice and policy recommendations on all Department matters concerning federal and state privacy law and state-wide policy compliance. Collaborates with Information Technology Division and Research staff to ensure the de-identification of Departmental data prior to public release. Reviews and responds to requests for release of confidential information. Represents the Department in inter-departmental privacy issues. Develops privacy-related policies, procedures and other documentation for the Department. Provides input on security policies and procedures to the Chief Information Security Officer. Provides legal analysis, recommendations and amendments to privacy related laws and regulations. As lead in-house counsel on privacy matters, performs comprehensive factual and legal analysis and draft recommendations to executive staff regarding exposure to liability and settlement options in both pre-litigation and litigated matters. Act as liaison to the Attorney General's office in civil litigation matters, developing strategy and tactics for handling litigation against the Department, and appearing at all pertinent matters.
- 25% Provides house counsel, legal advice, and litigation support to Departmental programs on a wide variety of complex legal issues, with a focus on the Lanterman Developmental Disabilities Services Act. Reviews and drafts opinions in administrative Departmental appellate reviews filed under the Lanterman Developmental Disabilities Services Act. Litigates before the Office of Administrative Hearings on enforcement of audits, fair hearings, and criminal exemption appeals. Acts as counsel for Department employees in hearings, trials and discovery matters, including, but not limited to, handling of cases before the State Personnel Board.
- 10% Collaborates with the Chief Information Security Officer, takes the lead in responding to security breaches and/or potential security breaches for the Department, state-operated facilities, and the Department's business associates, including, but not limited to, the 21 private nonprofit regional centers. Ensures Department-wide compliance in breach notification and reporting, including, but not limited to, the requirements of HIPAA, HITECH, IPA, California Health and Safety Code section 1280.15, and Department and statewide policies such as SHIPM and the Statewide Information Management Manual (SIMM) 5340-C. On behalf of the Department, conducts risk assessments of potential security breach notifications as necessary from the Department, the state-operated facilities, the Department's business associates, and other notifying individuals. Oversees Department corrective action plans to prevent future breaches. Receives, documents, tracks, legally analyzes, investigates, and acts on all privacy and security complaints. Respond and act as the Department's point of contact for federal and state compliance investigations involving privacy and security. Drafts, reviews, and negotiates the Department's business associate agreements, data use agreements,

business use proposals, and other legal documents to ensure confidential information is adequately safeguarded and legally exchanged, created, received, maintained and used and/or disclosed in compliance with federal and state law, including statewide and Department policies and procedures. Acts in an advisory capacity for other attorneys in the Office of Legal Affairs who draft such agreements and documents. Assists in responding to Public Record Act requests and subpoenas as necessary.

- 5% Develops, implements and oversees privacy and security training for Department staff, the state-operated community facilities, and the 21 private non-profit regional centers as necessary to ensure compliance with HIPAA, federal and state law, and Department and Statewide policies and procedures. Reviews and oversees sanctions process for privacy and security violations. Intersects with human resources in implementing disciplinary sanctions for privacy and security violations.
- 5% Serves as the Attorney of the Week (AOW) on a rotating basis. The AOW is responsible for handling subpoenas and other legal documents served on the Department, its Director, managers and/or employees. The AOW also responds to phone inquiries from other government agencies, attorneys, and members of the public. Conducts training for Department staff and attorneys on various legal issues impacting the Department. In the absence of the Chief Counsel and Assistant Chief Counsels, serve as the Acting Chief Counsel and performs all duties associated therewith.

Marginal Job Functions:

- 5% Attends legal training courses on legal issues. Other duties as assigned within the scope of the classification.

WORKING CONDITIONS: Moderate to occasional daytime and overnight statewide travel may be required. Transport legal files and documents, as needed, to locations inside and outside the normal worksite for hearings and meetings. File boxes of documents may weigh up to 25 lbs. each and a file may constitute more than one box. This position is a hybrid, in-office/telework position, and may be subject to change. Incumbent can be required to report to the office, or any designated location at any time. Telework agreements can be modified and/or cancelled at any time.

DESIRABLE QUALIFICATIONS:

Knowledge of: Conducting legal research and preparing all products, Timely open and close assigned cases and maintain case files on all assigned matters. Submit updated monthly reports to the Chief Counsel and Assistant Chief Counsels.

Ability to: Interact independently, professionally, and courteously with departmental Executive team and multiple program managers while performing multiple tasks that often require stringent deadlines; communicate effectively in writing and audibly in person, through the use of documents and electronic devices. Proficient in Microsoft Word, Outlook, Westlaw, Adode, and all other computer tools, programs, or systems utilized by the Office of Legal Affairs, handle multiple tasks and effectively prioritize workloads.

CERTIFICATION OR LICENSE: Active membership of the California State Bar

Employee Name
(Print)

Employee Signature

Date

Supervisor Name
(Print)

Supervisor Signature

Date

Employee and Supervisor acknowledge that by signing this Duty Statement that they have discussed and agree to the expectations of the position.