State of New Hampshire
Department of Information Technology
Office of the Chief Information Officer (CIO)

State of New Hampshire Use of Artificial Intelligence (AI) Technologies Policy

Doc. No.: NHS0229
Version: 2
Impact: Statewide
Effective Date: 11/1/23
Reviewed Date: 11/12/24
Next Review Date: 11/1/25
Review Period: Annual

1. Purpose

This policy, guided by the New Hampshire *Code of Ethics for the Use and Development of Generative Artificial Intelligence and Automated Decision Systems (AI System)* outlines the principles, guidelines, and requirements for the responsible and ethical use of various AI technologies across State Government Departments and Agencies, with a strong emphasis on protecting Personal Identifying Information (PII) and restricted or sensitive data.

This policy is part of the library of Statewide processes that supports the State of New Hampshire's information security program that is collectively referred to as the Statewide Information Security Manual, or "SISM". The SISM is applicable to all Departments, Agencies, Commissions, Boards, Bodies, or other instrumentalities of the Executive Branch of New Hampshire State Government.

2. Applicability

All New Hampshire State Employees and affiliates are responsible and accountable to their supervisor and Agency Head to **adhere to the following principles** when using AI to enable the delivery of government services:

- **Human-Centric Approach**: A human-centric approach shall be used to develop and deploy AI technologies, prioritizing the well-being, rights, and interests of users and stakeholders.
- **Transparency and Accountability**: All AI systems used by State Government shall be transparent, explainable, and accountable, especially when handling PII and sensitive data.
- **Fairness and Nondiscrimination**: AI technologies shall be designed and integrated to avoid bias, discrimination, and unfair treatment, particularly when dealing with PII and sensitive information, while ensuring equitable accessibility and level of service for all users. AI user interfaces shall be designed to comply with the current published version of the web content accessibility guidelines (WCAG).
- **Privacy and Data Protection**: The collection, storage, and use of user data, especially PII and sensitive data, shall adhere to relevant data protection laws and prioritize user privacy, in

alignment with the New Hampshire Statewide Information Security Manual and New Hampshire Privacy Laws.

- **Continuous Improvement**: Any employee or Agency using AI shall continuously monitor, evaluate, and improve AI technologies to ensure their effectiveness, accuracy, and ethical use, with special attention to data security.

All New Hampshire State Employees may use a variety of AI-powered technologies to enhance government services, streamline processes, and provide users with timely and accurate information. All employees and affiliates shall **adhere to specific requirements for each use case**:

- **Decision Support Systems**: Automated decision systems may assist human decision-makers by providing data-driven insights, but final decisions shall remain under human oversight and judgment.
- **Public Engagement**: AI-powered chatbots and virtual assistants may be used for public engagement, answering frequently asked questions, and providing users with information on government initiatives and services, while adhering to stringent data protection measures found in the Statewide Information Security Manual.
- **Predictive Analytics**: AI technologies may be used for predictive modeling and data analysis to inform policymaking, resource allocation, and future planning, with strict controls on data access and sharing for PII and sensitive data.
- **Image and Video Analysis**: AI systems may be used for analyzing images and videos to support efforts such as law enforcement, emergency response, and environmental monitoring, while ensuring the confidentiality and security of PII and sensitive data, in line with applicable federal and New Hampshire law.
- **Natural Language Processing**: AI-driven natural language processing tools may be employed to analyze public sentiment, engage in open-ended user feedback, and gather insights for policymaking while safeguarding user privacy and guided by the New Hampshire Code of Ethics for the Use of AI Systems.
- **Generative Content**: AI technology may be used to create content such as images and draft publications, including media releases, guidance documents, etc., but final publications must have human review and approval.
- **Healthcare and Public Health**: AI technologies may be used to analyze healthcare data for disease trends, resource allocation, and public health initiatives, ensuring the security and privacy of medical information, in accordance with applicable laws and directives for the protection of sensitive data.
- **Environmental Monitoring**: AI systems may be deployed to analyze environmental data for detecting pollution, predicting natural disasters, and supporting conservation efforts, while adhering to data protection regulations stipulated by Federal Law or New Hampshire Statutes and regulations promulgated by the New Hampshire Department of Environmental Services.
- **Transportation and Infrastructure**: AI technologies may be utilized to optimize transportation systems, manage traffic flow, and assess infrastructure maintenance needs, with a focus on data security and protection, but final decisions shall remain under human oversight and judgment.

All New Hampshire State Employees and affiliates are responsible and accountable to their supervisor and Agency Head to adhere to the following **technical and ethical requirements** when using AI to deliver government services:

- **Algorithmic Transparency**: AI systems shall provide explanations for decisions and actions, especially those involving PII and sensitive data, enabling users to understand the basis for responses.
- **Data Quality**: Data used to train and operate AI systems shall be accurate, representative, and relevant, with specific attention to maintaining the security of PII and sensitive information. PII and sensitive data shall never be used in an "open" AI instance; that is, where the AI is not instantiated in a manner where the State controls both the application and the data.
- **Human Oversight**: Critical decisions, policy changes, and high-stakes interactions require rigorous human oversight and intervention at the same level as if AI was not used in the process.
- **Ethical Review**: High-risk AI systems shall undergo ethical reviews, by a committee composed of the program owner, a representative of the Attorney General's Office, and the Agency Head, with a specific focus to assess potential societal impacts, bias, and unintended consequences.

All New Hampshire State Employees and affiliates are responsible and accountable to their supervisor and Agency Head to adhere to the following **data governance and cybersecurity requirements** per the Statewide Information Security Manual when using AI to deliver government services:

- **Data Protection**: All data, especially PII and sensitive data, processed by AI technologies shall adhere to established data protection protocols and comply with heightened measures for encryption, access controls, and secure storage as required by specific programs or regulatory bodies in addition to any SISM requirements.
- **Cybersecurity**: AI systems shall be designed and maintained with robust cybersecurity measures to protect against unauthorized access, data breaches, and potential compromise of PII and sensitive information, as mandated by the Statewide Information Security Manual and regulatory bodies.

All New Hampshire State Employees and affiliates are responsible and accountable to their supervisor and Agency Head to **ensure**:

- **Transparency in Communication**: Users interacting with AI technologies shall be informed when they are interacting with automated technology and provided with information on how their PII and sensitive data are handled and protected.
- **Use of AI Education Initiatives**: Agencies using AI engage in public education initiatives to increase user awareness of AI technology usage, benefits, and potential risks.

NIST controls

This policy has been mapped to the current NIST-800-53 R5 standard and the standard tags are contained in the procedure's metadata and listed here:

- **Personally identifiable information processing and transparency (PT)**
- **System development life cycle (SA-03)**
- **Risk assessment (RA)**

3. Roles and responsibilities

This policy applies to all State of New Hampshire Employees. Accountability for adherence to this policy is the responsibility of Agency heads.

Agencies shall report all instances of AI Technologies in development and production to DoIT's Business Relationship Management Division (BRMD) for inventory purposes.

4. References

- State of New Hampshire Code of Ethics for AI Systems
- RSA 5:D, Use of Artificial Intelligence by State Agencies
- RSA 507:8-j effective January 1, 2025, Civil Actions for Fraudulent Use of Deepfakes.
- RSA 638:26-a effective January 1, 2025, Identity Theft: Fraudulent Use of Deepfakes.
- RSA 664:14-c Political Advertising: Synthetic Media and Deceptive and Fraudulent Deepfakes.

Revision History:

Owner	Date of release and description of change
NHCIC	8/28/23 V1 Initial Issue and editing with Kate Michener, Director, User Experience Division. Ken Weeks and Kate Michener reviewed, verified, and approved any AI Generated text in this policy. Generated portions of the text in this policy with ChatGPT version 3.5. Regenerated text 6 times to tailor the text to align with the New Hampshire Use Case and adjust to align with the *New Hampshire Code of Ethics for the Use and Development of Generative Artificial Intelligence and Automated Decision Systems (AI Systems)*.
NHCIC	11/1/23 V2-Added Fair Competition Between AI Vendors section. Emergency change approved by CIO.
NH CIC	11/12/24 Reviewed Added referenced to RSAs that apply. Added standard verbiage to Purpose statement regarding statewide information security program; micro change that does not require revision.