Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER THIRTY (2024)

IMPLEMENTATION OF STANDARDS FOR THE SAFE USE OF ARTIFICIAL INTELLIGENCE ACROSS THE COMMONWEALTH

By virtue of the authority vested in me as Governor, I hereby issue this Executive Order to promulgate important safety standards to ensure the responsible, ethical, and transparent use of artificial intelligence technology by state government in order to protect the rights of Virginians, to provide best-in-class state government services, and to ensure that our students are well prepared for this technology.

Importance of the Initiative

Artificial Intelligence (AI) products are already deployed across a number of state government agencies. As the availability of AI products continue to increase, it is vital that we recognize both the usefulness of the technology and the necessity to place guardrails on its use in order to protect Virginians against potential misuse. AI technology has the capability to enhance the delivery of essential services to all Virginians, but the integration of this tool into the life of Virginians must be done through a continuously discerning and responsive approach that guarantees the protection of the privacy, security, and confidentiality of all Virginians' personally identifiable information.

It is important to implement both policy and information technology standards that safeguard the state's business applications while simultaneously protecting the individual data of all Virginians. We can take full advantage of the benefits of AI, but we must also mitigate the risks with this evolving technology.

AI's application in the educational ecosystem cannot be a substitute for teacher-facilitated instruction and learning experiences; however, it can be an important tool to transform, support, and complement tailored and effective educational experiences. Virginia's colleges and universities lead the nation in technology research and development, and the most critical national security and military intelligence institutions in the United States are headquartered in Virginia. These unique factors provide Virginia with a responsibility to spearhead a policy environment that builds trust, safety, and security in the development and

deployment of AI technologies as well as the opportunity to assemble experts in the field to provide ongoing advice and assistance in the employment of AI products.

Preamble

In order to implement the guardrails for the use of AI technologies across state government, I am directing the Virginia Information Technologies Agency (VITA) to publish the AI Policy Standards and AI Information Technology Standards and to make them available to all Executive Branch Agencies and the general public. I direct all Executive Branch Agencies to follow the approval processes and procedures as defined in those standards. I direct the Department of Education and State Council of Higher Education for Virginia, in consultation with the Virginia Community College System, to develop and issue the tools, instructional resources, and support as needed under the Education Guidelines to provide the necessary assistance around the considerations, implementation, and use of AI at all levels of education. Furthermore, the Secretary of Public Safety and Homeland Security, in conjunction with the Office of the Attorney General, is directed to develop standards for the appropriate use of AI applicable to all Executive Branch law enforcement agencies and enforcement personnel.

Directive

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct all relevant Secretariats to take the following actions:

I. Policy Standards

The AI Policy Standards enacted under this Executive Order set out guiding principles for the ethical use of AI, general parameters to determine the business case for AI, a mandatory approval process for all AI capabilities, a set of mandatory disclaimers to accompany any products or outcomes generated by AI, methods to mitigate third-party risks, and measures to ensure that the data of private citizens are protected. VITA shall publish these policy standards and all Executive Branch Agencies shall follow them. AI Policy Standards

II. Information Technology Standards

The AI Information Technology standards enacted under this Executive Order provide the protocols and requirements for Commonwealth agencies and suppliers to follow if they employ AI products or technologies. These standards apply to both existing and new uses of AI; stand-alone AI embedded in commercial or government systems or applications, and generative AI within other systems or applications; AI developed either by the agency or by third parties on behalf of agencies for the fulfilment of specific agency missions, including relevant data inputs used to train AI and outputs used in support of decision making; and agencies' procurement of AI applications. VITA shall publish these technology standards and all Executive Branch Agencies shall follow them. AI IT Standards

III. Education Guidelines

The AI Education Guidelines enacted under this Executive Order recognize the dual nature—both the opportunities and risks—of this developing technology in education. K-12 schools and postsecondary institutions must embrace innovation, experimentation, and new educational opportunities for students as well as ensure appropriate guardrails and necessary constraints exist to safeguard individual data privacy and mitigate discriminatory outcomes. Governing boards and system leaders at every education level require flexibility to offer different pathways for their institutions and schools based on their readiness and willingness to integrate this technology, while also prioritizing training for students, educators, and faculty to ensure the responsible and ethical use of AI technology. The Guidelines are also meant to support education institutions to foster learning environments that prepare all students with the knowledge, competencies, and skills for successful careers that utilize AI technology.

The AI Education Guidelines applies to both K-12 and postsecondary institutions AI Education Guidelines

IV. Law Enforcement Considerations

Within nine months of the effective date of this Executive Order the Secretary of Public Safety and Homeland Security in conjunction with the Office of the Attorney General shall develop standards for the employment of AI technologies applicable to all executive branch law enforcement agencies and personnel. In addition, the Secretary of Public Safety and Homeland Security shall provide model standards upon request to local law enforcement jurisdictions to assist them in the use of AI for law enforcement purposes.

The Secretary of Public Safety and Homeland Security, in conjunction with the Secretary of Health and Human Resources, shall examine whether sufficient safeguards currently exist to protect children from online predators using AI technology.

V. Establishment of an Artificial Intelligence Task Force

The Director of the Office of Regulatory Management in conjunction with the Secretary of Administration, shall convene an Artificial Intelligence Task Force to provide ongoing recommendations on the implementation of the above standards and Education Guidelines as well as provide recommendations on the implementation of any AI pilots conducted by executive branch agencies. These recommendations shall be provided by the task force on a biannual basis.

VI. Definition

For purposes of this Executive Order the term "Executive Branch Agency," means any agency, institution, department, board, bureau, commission, council, public institution of higher education, or other instrumentality of state government in the Executive Department as listed in the Appropriations Act.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in full force and effect unless amended or rescinded by further executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia this 18th day of January 2024.



Glenn Youngkin, Governor

Attest:

Kelly Gee, Secretary of the Commonwealth