

HIDALGO COUNTY, TEXAS
ARTIFICIAL INTELLIGENCE (AI)
ACCEPTABLE USE POLICY

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ARTIFICIAL INTELLIGENCE (AI) ACCEPTABLE USE POLICY

1.0 Purpose

The purpose of this acceptable use policy is to establish clear guidelines governing the responsible, ethical, secure, and lawful use of Artificial Intelligence (AI) systems in a manner that enhances public services, strengthens transparency, protects privacy, and upholds public trust.

While the County recognizes that AI systems can enhance productivity, innovation, and service delivery, its use must strictly comply with federal and state law, as well as County policies governing data security, privacy, civil rights, and public records. This policy ensures that AI serves as a tool to assist human decision-making, never to replace it.

2.0 Scope

This policy applies to:

- All County employees, elected officials, and their staff.
- Contractors, consultants, volunteers, and temporary workers.
- Vendors and third parties interacting with County systems or data.

This policy governs the use of all AI systems, including but not limited to:

- Generative AI: Systems capable of generating text, code, images, audio, or video (e.g., ChatGPT, Copilot, Gemini).
- AI-Assisted Analytics: Machine learning models used for data analysis or prediction.
- Embedded AI: AI features integrated into third-party software or County-developed applications.

3.0 Authority

This policy is adopted under the Texas Responsible Artificial Intelligence Governance Act (TRAIGA), and in compliance with all applicable Federal and State laws, including but not limited to:

- Federal Laws:

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- o Criminal Justice Information Services (CJIS) Security Policy
- o Health Insurance Portability and Accountability Act (HIPAA)
- o Americans with Disabilities Act (ADA) and Section 508
- o Title VII of the Civil Rights Act

- Texas State Laws:
 - o Texas Public Information Act
 - o Texas Government Code Chapter, 2054 and Chapter 559
 - o Texas Business and Commerce Code, Chapter 521 and Chapter 552
 - o Texas Administrative Code, Chapter 219
 - o Texas Civil Service statutes

4.0 Definitions

- **Artificial Intelligence (AI):** A machine-based system that generates outputs (such as predictions, classification, generation, or decision support) using statistical, algorithmic, or machine-learning methods.
- **Generative AI:** AI capable of creating new content (text, code, images, audio, video, or other content) rather than just analyzing existing data.
- **Sensitive Data:** Information protected by law or County policy, including but not limited to:
 - o Criminal Justice Information (CJI/CJIS)
 - o Protected Health Information (PHI/HIPAA)
 - o Personally Identifiable Information (PII)
 - o Confidential law enforcement and investigative records
 - o Personnel and civil service records
 - o County security configurations and non-public government records
- **Automated Decision System:** Any AI application that influences or determines outcomes affecting individuals or public services.
- **Heightened Scrutiny AI Systems:** any AI system specifically intended to autonomously make, or be a controlling factor in making, a consequential decision. The term does not include AI systems intended to:
 - (a) perform a narrow procedural task;
 - (b) improve the result of a previously completed human activity;

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- (c) perform a preparatory task to an assessment relevant to a consequential decision; or
- (d) detect decision-making patterns or deviations from previous decision-making patterns.

A consequential decision is one that has a material legal or similarly significant effect on the provision, denial, or conditions or a person's access to a government service.

5.0 Governance

5.1 AI Risk Management Officer:

The head of the County IT department will serve as the AI Risk Management Officer.

5.2 AI Committee:

Responsible for overseeing all County activities related to AI.

5.3 Composition:

The Committee will be comprised of, but not limited to, representatives from the following departments:

- **County Information and Technology Department:** Will maintain AI governance standards, evaluate risks, approve tools, and conduct compliance audits.
- **Executive Office:** Will oversee the committee and facilitate the implementation of the policy.
- **Purchasing Department:** Will review procurement requests that involve technology or AI systems and ensure that such requests are in line with this policy.
- **Human Resources:** Will oversee the use of AI systems in employment related processes.

6.0 General Policy Statement

The use of AI within Hidalgo County shall be:

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- **Lawful:** Compliant with all federal, state, and local regulations.
- **Secure:** Protected against unauthorized access and data leakage.
- **Transparent:** Users must disclose AI usage where appropriate.
- **Human-Reviewed:** All AI outputs must be validated by a qualified employee.
- **Non-Discriminatory:** AI systems must not perpetuate bias or violate civil rights.

6.1 Code of Ethics

The County adopts the AI Code of Ethics established under Texas Administrative Code, Chapter 219.11.

6.2 Crucial Principle

AI systems shall never replace the judgment, accountability, or final decision-making authority of County employees and/or applicable users in official matters.

7.0 Acceptable Use

Employees and/or applicable users may only use **Pre-approved** AI tools for the following purposes:

- Drafting internal memos, emails, or non-confidential documents.
- Summarizing public reports or research materials.
- Assisting with code development, debugging, or scripting.
- Data analysis (using anonymized or non-sensitive datasets).
- Translation and accessibility tools (e.g., transcription).
- Workflow automation for routine administrative tasks.

7.1 Output:

All Outputs must be reviewed and validated by a Human.

8.0 Prohibited Use

Employees and/or applicable users **SHALL NOT** use AI systems to:

8.1 Input of Sensitive Data

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Enter, upload, or disclose **Sensitive Data** (CJIS, HIPAA, PII, personnel records, investigative files) into any AI system unless:

- The system is explicitly approved by the County IT Department.
- The system is CJIS-compliant (for CJI) or covered by a valid Business Associate Agreement (for PHI).
- The system operates within strict County security controls.

Note: Public or consumer-grade AI tools (free versions) generally do not meet these standards and are prohibited for sensitive data.

8.2 Automated Decision-Making

Make automated decisions affecting:

- Employment actions (hiring, firing, promotion, discipline, evaluation).
- Legal determinations or official County legal interpretations.
- Law enforcement actions or investigative conclusions.
- Allocation of public benefits or services.

8.3 Misrepresentation and Integrity

- Impersonate County officials or staff.
- Generate content intended to mislead the public.
- Create deepfakes, manipulated media, or disinformation.
- Circumvent established security, procurement, or audit procedures.

8.4 Unapproved Procurement

- Implement or integrate any AI system without prior approval through the County's IT security, procurement, and legal review processes.

9.0 Heightened Scrutiny AI Systems

Subchapter S, Chapter 2054 of the Texas Government Code places requirements on governmental entities when they develop, deploy, or use heightened scrutiny AI systems.

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Whether a given AI tool qualifies as a heightened scrutiny AI system will depend on both the capabilities of the tool and how employees and/or applicable users will utilize it. Anyone considering deployment or use of a heightened scrutiny AI system must notify the AI Risk Management Officer and may not procure, develop, deploy, or use a heightened scrutiny AI system without their approval.

10.0. Data Security and Compliance Requirements

10.1 CJIS Compliance

No Criminal Justice Information (CJI) shall be entered into AI tools unless the system is certified CJIS-compliant and approved by the County IT Department. All CJIS interactions must adhere to the CJIS Security Policy.

10.2 HIPAA Compliance

Protected Health Information (PHI) shall not be entered into AI systems unless:

- A valid Business Associate Agreement (BAA) is in place with the vendor.
- The system meets all HIPAA security and privacy requirements.

10.3 Public AI Systems

Employees and/or applicable users are prohibited from entering confidential County data into public or consumer AI systems. Employees and/or applicable users are reminded that many free AI services may retain input data for model training, potentially exposing confidential information.

11.0. Civil Service, Employment, and Non-Discrimination

- **Employment Decisions:** AI tools may not be used to screen applicants, evaluate performance, recommend discipline, or rank employees unless the process is reviewed and approved by Human Resources, Legal Counsel, and the applicable Civil Service authority.

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- **Non-Discrimination:** AI systems used in County operations must comply with the ADA, Title VII, and TRAIGA. They must not result in discrimination based on disability, race, gender, or other protected classes.
- **Accessibility:** AI tools used for public communications must comply with ADA Title II and Section 508 standards, providing accessible alternatives where required.

12.0. Human Oversight and Accountability

- **Validation:** Every AI-generated output used for official business must be reviewed for accuracy, bias, and appropriateness by a qualified County employee and/or applicable user.
- **Responsibility:** The employee and/or applicable user remains fully responsible and accountable for the accuracy and legality of any work product generated using AI. "The AI made a mistake" is not a valid defense for errors, omissions, or policy violations.
- **Disclosure:** Employee and-or applicable user should disclose the use of AI in their work product where transparency is required (e.g., in public reports or legal filings).

Statutorily-mandated disclosure requirements exist for any AI system deployed that interacts with the public. Users must notify the County IT department before making any AI system available to interact with the public and ensure the appropriate disclosures exist alongside the AI system before public deployment.

13.0. Records Management

- AI-generated content created for official County business constitutes a **public record** subject to the Texas Public Information Act and County records retention schedules.
- Employees and/or applicable user must ensure that all official records, including AI drafts and final outputs, are stored in approved County systems and not solely in personal accounts or external AI platforms.

14.0 Procurement and Approval Process

Before any AI system is implemented for County use, it must undergo:

1. **IT Security Review:** Assessment of data protection and vulnerability.

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2. **Legal Compliance Review:** Verification of adherence to TRAIGA, CJIS, HIPAA, and civil rights laws.
3. **Privacy Impact Assessment:** Evaluation of data handling practices.
4. **Procurement Approval:** Formal vendor vetting.
The County IT Department shall maintain and publish an **Approved AI Tools List**. Use of tools not on this list for official business is prohibited unless a specific exemption is granted.

15.0 Training and Awareness

All employees and contractors with access to County systems must complete annual training covering:

- Responsible AI use and limitations.
- Data privacy, security, and classification (CJIS/HIPAA/PII).
- Bias detection and ethical considerations.
- Reporting procedures for suspected misuse or data breaches.

16.0 Incident Reporting

Any individual who suspects a policy violation, accidental data leak, or security breach involving AI must report it immediately to the **County IT Department**. Failure to report a known incident may result in disciplinary action.

17.0 Policy Violations and Enforcement

Violations of this policy may result in:

- Disciplinary action up to and including termination.
- Revocation of system access.
- Civil or criminal penalties where applicable under federal or Texas law.
Disciplinary actions will be administered in accordance with County Civil Service rules and personnel policies.

18.0 Policy Review

This policy shall be reviewed **annually** to ensure continued compliance with:

- Evolving federal and Texas regulations (including updates to TRAIGA).

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- CJIS and HIPAA security standards.
- Emerging AI technologies and associated risks.

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