

Recommendations: Governance and Oversight of Artificial Intelligence in Virginia

RECOMMENDATION 1

The Virginia Information Technologies Agency should develop and publish an artificial intelligence (AI) risk assessment instrument that provides agencies with clear, standardized criteria for evaluating potential AI use cases and determining their risk level. (Chapter 2)

RECOMMENDATION 2

The Virginia Information Technologies Agency (VITA) should develop and implement a risk-tiered approach for governing executive branch agencies' use of artificial intelligence (AI). As part of this approach, VITA should (i) allow agencies to approve low-risk AI use cases while still submitting required information to the AI registry, (ii) define agency and VITA responsibilities for oversight of low-, medium-, and high-risk use cases, and (iii) update, as appropriate, the Artificial Intelligence Utilization Policy and the Enterprise Architecture Standard for Artificial Intelligence to reflect tiered requirements. (Chapter 2)

RECOMMENDATION 3

The Virginia Information Technologies Agency should (i) revise the Enterprise Architecture Standard for Artificial Intelligence and the Artificial Intelligence Utilization Policy to ensure they are clear and actionable, (ii) solicit feedback from agencies to determine where further clarification is needed, and (iii) publish implementation guidance on its website. (Chapter 2)

RECOMMENDATION 4

The Virginia Information Technologies Agency should (i) conduct a one-time targeted review to update the Enterprise Architecture Standard for Artificial Intelligence to address emerging AI risks, including those related to agentic AI and data access controls, and (ii) develop and implement a process to annually review, and update as needed, all AI-related standards, policies, and guidance. (Chapter 2)

RECOMMENDATION 5

The Virginia Information Technologies Agency should develop and publish a comprehensive process map detailing the required review and approval steps for state agency artificial intelligence projects and procurements. (Chapter 2)

RECOMMENDATION 6

The Virginia Information Technologies Agency (VITA) should (i) develop an acceptable use policy governing executive branch employees' use of general-purpose AI tools, (ii) review and update the policy annually as needed, (iii) require executive branch agencies to adopt the policy or develop their own policy that includes the requirements established by VITA's policy, and (iv) require executive branch agencies to maintain documentation of employees' acceptance of their agency's policy during initial onboarding and annually thereafter. (Chapter 3)

RECOMMENDATION 7

The Virginia Information Technologies Agency should (i) post prominently on its website clear information on which general-purpose AI tools are approved for state employee use, and (ii) establish a process to ensure this information is updated promptly when new tools are approved or their approval status changes. (Chapter 3)

RECOMMENDATION 8

The General Assembly may wish to consider amending the Code of Virginia to require (i) the chief information officer of the Commonwealth to develop and annually update a curriculum and materials for state employee AI literacy training, including responsible use of general-purpose AI tools; and (ii) that all state agencies certify annual employee completion. (Chapter 3)

RECOMMENDATION 9

The Virginia Information Technologies Agency should (i) establish an expedited review and approval determination process for artificial intelligence coding assistance tools proposed by state agencies for IT system modernization; (ii) evaluate the feasibility of establishing a statewide contract for one or more artificial intelligence coding assistance tools; and (iii) develop specific technical and risk-mitigation guidance and requirements for state agencies' use of artificial intelligence coding assistance tools. (Chapter 4)

RECOMMENDATION 10

The Virginia Information Technologies Agency should prioritize its review and approval determination of artificial intelligence use cases identified by the Virginia Department of Social Services to reduce Supplemental Nutrition Assistance Program payment errors. (Chapter 4)

RECOMMENDATION 11

The Virginia Information Technologies Agency should make available to state agencies a regularly updated list of piloted and deployed state agency artificial intelligence (AI) use cases to increase awareness of potential AI applications in state government that can support agency operations and service delivery. (Chapter 4)

RECOMMENDATION 12

The Virginia Information Technologies Agency (VITA) should (i) identify where agencies experience poor coordination, confusion, and delays when completing VITA's required processes to adopt artificial intelligence tools, and (ii) determine and address the root causes of these problems. (Chapter 4)

RECOMMENDATION 13

The General Assembly may wish to consider including funding in the Appropriation Act for the Division of Legislative Services to obtain, on an ongoing basis, specialized technology law expertise needed to effectively advise legislators on artificial intelligence legislation. (Chapter 5)

RECOMMENDATION 14

The General Assembly may wish to consider directing the Joint Commission on Technology and Science to publish and annually update an informational legislator's guide on artificial intelligence for General Assembly members and make the guide available no later than October 1 of each year. (Chapter 5)
