



## Information Privacy and Security Council

### Meeting Minutes

October 21, 2015

Keoni 'Ana Building 1177 Alakea St. Room 304 Honolulu, HI 96813	Wailuku State Office Bldg. 54 South High St. Third Floor VCC Wailuku, HI 96793	Lihu'e State Office Bldg. 3060 'Eiwa St. Basement VCC Lihu'e, HI 96766	Hilo State Office Bldg. 75 Aupuni St. Basement VCC Hilo, HI 96720
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#### MEMBERS / DESIGNEES PRESENT

Member Name	Department
Decasa, Meliton Jr.	Department of Education
DeMello, Keith (designee; acting chair)	Office of Enterprise Technology Services
Jacobs, Don	County of Hawai'i
Keane, David	Department of Human Resources Development
Sherman, Karen	County of Maui
Takeshita, Brian (designee)	Legislature
Thornton, Kevin	Judiciary
Tungol, Wilfredo (designee)	Department of Health
Yong, Lim	Department of Human Services

#### MEMBERS ABSENT / NOT REPRESENTED

Member Name	Department
Wong, Mark	City and County of Honolulu
Yoshimi, Garrett	University of Hawai'i
Norman, Nyree	County of Kaua'i

#### INVITED GOVERNMENT ATTENDEES

Name, Title	Department
Kunimoto, Valri	Office of the Attorney General

#### OTHER ATTENDEES

Name	Affiliation

#### I. Call to Order — Welcome

Acting Chair DeMello called the meeting to order at 1:05 p.m. Quorum was established with nine members present. *Note: This twelve-member Council requires eight members to establish quorum and to take official Council action.*

#### II. Approval of Previous Meeting Minutes

Member Yong moved and Member Thornton seconded that the Information Privacy and Security Council (IPSC) approves the July 2015 regular meeting minutes as amended. In discussion, the following amendment was identified: under section V. (second bullet), revise "encryption should to be enabled" to "encryption should be required." The IPSC adopted the regular meeting minutes as amended by unanimous consent.

#### III. Public Testimony on Agenda Items<sup>1</sup>

None.

#### IV. **NIST Privacy Framework**

Acting Chair DeMello recapped that members had previously discussed the recently released draft Privacy Risk Management framework from the National Institute of Standards and Technology (NIST), which applies to federally funded projects or federal data partners that are subject to audit. It was noted that the framework appears to still be in draft form.

Member Yong brought up the Minimum Acceptable Risk Standards for Exchanges (MARS-E), which addresses mandates of the Patient Protection and Affordable Care Act of 2010 and related regulations involving Personally Identifiable Information (PII), Protected Health Information (PHI) or Federal Tax Information (FTI) of enrollees of administering entities. MARS-E is being updated to version 2.0 and, once finalized, will require agencies to revise documentation. MARS-E 2.0 will include security updates that respond to the NIST updates and evolving technology and threats. Member Yong suggested that MARS-E be listed as a resource on the IPSC website. He stated that he brought this up because more agencies will be taking on functions as the Hawai'i Health Connector ends services.

Member Sherman added that the Multi-State Information Sharing and Analysis Center (MS-ISAC) is adding a privacy component to its Nationwide Cyber Security Review (NCSR), which is a voluntary self-assessment survey designed to evaluate cyber security management. It is available to all states and agencies, local government and departments, and tribal and territorial governments. Sherman noted that Maui County has found it valuable in measuring how county agencies are doing compared to peers across the nation. She recommends that other Hawai'i agencies participate.

[Subsequent to the meeting, Sherman provided a link with information regarding the NCSR — <http://msisac.cisecurity.org/resources/ncsr/> — and noted that she will be attending the MSISAC annual meeting in November.]

#### V. **Update from Best Practices and Yearly Reporting Committee**

Acting Chair DeMello reported that online standards have been updated on the IPSC website, thanks to work performed by Best Practices and Yearly Reporting Committee (Reporting Committee) members Jodi Ito and Todd Crosby. The Reporting Committee further intends to review and update, if necessary, all URL provided as links to third-party resources.

DeMello then provided an update on the IPSC's annual collection of Personal Information System Annual Reports from state and county agencies. He reminded members that two memos were issued by State Chief Information Officer (CIO) Todd Nacapuy to confirm agencies' privacy designees (sent July 16) and remind agencies of their annual responsibility to submit their plans (sent Sept 15). Additional legwork remains to contact agencies that have not submitted reports or notification to confirm that they in fact do not collect personal information.

Members Jacobs and Sherman requested a list of agencies from their respective counties that have responded with their plans. DeMello stated that he will do so and may be reaching out to other IPSC members for assistance in following up with remaining agencies. It was pointed out that, in previous years, if there were no changes or updates, then submission of a new plan was not required. There were no objections to continuing this practice as long as agencies confirm this in writing.

Members also discussed S.C.R. 88, which requests that the IPSC, in cooperation with the State CIO Council, assess existing procedures of notification required following the breach of personal information and report on findings no later than 20 days prior to the convening of the regular session of 2016.

Member Yong motioned and Member Thornton seconded that the IPSC recommend that: 1) credit monitoring be required for breaches of more than [an amount to be determined]; 2) a central breach information portal be maintained by the Department of Commerce and Consumer Affairs' Office of Consumer Protection, pending no objection by the department; and 3) counties be asked to post a link to

the portal on their respective homepages. During discussion, it was pointed out that S.C.R. 88 directs the IPSC to work with the CIO Council to develop the recommendation. It was suggested that the Reporting Committee draft a recommendation, starting with what is currently in statute, taking into account precedence in other states such as California, and work with the CIO Council to refine before presenting it for IPSC decision-making. Final voting, if any, would need to take place by or on the December meeting if legislation is to be introduced before the start of the 2016 legislative session. Acting Chair DeMello called for a vote, and the motion passed by unanimous consent.

**VI. Discussion of HRS Section 487N, Security Breach of Personal Information, and Suggestions for Amendments, including S.B. No. 1186 from 2015 Legislative Session.**

Acting Chair DeMello recapped that S.B. 1186, which proposed updates to the definition of personally identifiable information, was introduced by Sen. Glenn Wakai last legislative session. It was noted that the bill was heard by the the Senate Committees on Economic Development, Environment and Technology, and Government Operations, which accepted amendments proposed in testimony. The bill passed out of the committees and made it as far as the Senate Committees on Judiciary and Labor, and Ways and Means. This year, the bill may pick up where it left off. DeMello stated that he would follow up with CIO Nacapuy about working with legislators and provide updates at future meetings.

**VII. Executive Session**

There was no motion for Executive Session. However, DeMello acknowledged the agenda's use of the name "Office of Enterprise Technology Services," or ETS. CIO Nacapuy recently announced efforts to consolidate the Information and Communication Services Division and the Office of Information Management and Technology as a single office. Pending completion of the formal reorganization, the two agencies have already begun working as one team under ETS. As such, correspondence, websites and social media accounts will reflect the new office name (all other operational documents will remain unchanged until the proposed formal reorganization is implemented).

**VII. Announcements and good of the order**

Next meeting date: November 18, 2015, 1 p.m.

**VIII. Adjournment**

The meeting adjourned at 2:30 p.m.

Respectfully Submitted,



Keith A. DeMello  
Senior Communications Manager  
Office of Enterprise Technology Services  
State of Hawai'i

November 20, 2015

Date