

Minutes
Maryland Cybersecurity Council Meeting
January 17, 2019
1:00 pm – 2:00 pm
East I/II
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland

Council Members Present or Represented (29/57)

Attorney General Brian Frosh (Chair), John Abeles, Dr. David Anyiwo, Calvin Bowman (for Walter Landon), Kara Contino (for Senator Bryan Simonaire), Brian Corbett, Patrice Drago (for Delegate Ned Carey), Judi Emmel, John Evans (for Secretary Michael Leahy), Brigadier General Flash (for Major General Singh), Patrick Feehan, Dr. Frederick Ferrer (for David Engel), Teri Jo Hayes, Fred Hoover, Clay House, Brian Israel, Dr. Anupam Joshi, Dr. Kevin Kornegay, Mathew

He asked Mr. Strickland if he wished to comment on the background documents he had shared in connection with MaryAnn Tierney's presentation on October 16. These had been distributed in advance of this meeting. Mr. Strickland shared that the documents were referenced in her presentation and that he provided them to answer any questions the members may have had.

Brief to the Council on the Personal Information Protection amendments (PIPA) recommended by the Consumer Finance Commission.

The Attorney General asked Mr. Richard Trumka to brief the Council on the amendments to MIPA Section 14-3501. In his brief, Mr. Trumka detailed the following changes:

Section 14-3501 (f). Adds activity-tracking data, genetic information, and nonpublic social media to the definition of personal information.

Section 14-3503. Clarifies that those who maintain the data for another must meet the same standard of care as those who own or license the data.

Section 14-3504.

Ensures that the manner in which personal information is held does not affect the duties under the law. A breach is not only a loss of "computerized" data but also includes the theft of paper records, for example.

Reduces the notification period to the consumer to no later than ten (10) days after the discovery of the breach.

Reduces the notice of a third-party vendor to the owner or licensee of the data to no later than three (3) days.

In cases where law enforcement may have asked that consumer notice be delayed, the PIPA amendments would require that notice be provided within one (1) day after the hold is lifted.

Requires direct as well as general notice to the consumer in all breaches.

that data on violations must be shared with the Council so that it can take these violations into account in developing policy recommendations as part of its statutory mission.

Data harvesting and privacy. The Council has supported the concept of additional data privacy provisions in Maryland's law. However, California's Consumer Privacy Act has been a game changer. The Senator stated that Maryland consumers should not be left out of protections that California consumers now have. To ease business concerns about a patchwork of requirements across the nation, a bill is being drafted for the Maryland 2019 session that would align as much as possible with the protections and thresholds in the California law.

Senator Lee closed by mentioning a constitutional amendment on privacy that may be proposed in this session. She noted that ten other states have passed such an amendment.

John Evans, for Secretary Leahy, Chair of the Incident Response Subcommittee

Mr. Evans referenced the Council's past concern about DoIT implementing security policies that were compliant with recognized industry standards (NIST, FISMA, FIPS). He announced that DoIT has produced an updated draft of its security policies that do reference recognized standards. This draft has been informed by consultation with GOHS and cyber working groups across the state agencies. The draft is now in legal review.

When the guidance is finalized, Mr. Evans stated that the rollout will include DoIT outreach to state agencies to offer help a) with assessing their security status against the new guidance and b) with formulating steps to remediate areas of need. The approach will be a phased one, identifying the low hanging fruit first and how to improve in those areas. He noted that DoIT does not have the budget at this point to fund the remediation, the cost of which will have to be supported by the agencies themselves.

In addition to the new security guidance and the outreach campaign, Mr. Evans also reported that there are a number of other initiatives underway that DoIT is aggressively pursuing. One of these concerns endpoint security within DoIT itself. He noted that the goal he had establish was to raise

Susan Rogan, chair, Subcommittee on Public and Community Outreach

Ms. Rogan reported that her subcommittee is compiling resources for the repository that particularly address the needs of individual consumers. She also noted that the subcommittee is discussing ways to do outreach to small- and medium-size businesses to bring practical take-aways directly to them.

Other Business

Dr. von Lehmen outlined a proposal to prepare for the report on the Council's activities, due to the General Assembly no later than July 1, 2019. He suggested that the report not only look backward to the last two years but also look ahead to the next two years and areas of concern that the Council would like to address. Accordingly, he proposed the following work schedule:

February – early May, 2019. Subcommittees meet to prepare for Council's May 22 meeting.

May 22, 2019. Meeting purpose. Each subcommittee proposes new recommendations or broad areas of concern, if any, that it will take up in the 2019 – 2021 period of the Council's activities.

June 3 – June 12. Draft activities report will be circulated to the subcommittees for comment.

June 14 – June 25. OAG Review

June 26-27. Document finalized and copies submitted to the General Assembly NLT Friday, June 28.

There were no objections to the proposal. There being no further business, the meeting was adjourned at 1:50 pm.