

CYBERSECURITY ADVISORY COMMITTEE

Virtual Meeting

MONDAY, August 14, 2023, 2:00 PM

1. WELCOME AND CALL TO ORDER

Ms. Gutierrez called the meeting to order at 2:05 p.m. and welcomed everyone to the meeting. She reviewed general procedures for the Zoom meeting.

2. ROLL CALL

MEMBERS PRESENT

Raja Sambandam, Chair, State CISO
Jason Johnson
Cassandra Hayne
Seth Morris for Raul Burciaga
Josett Monette for James Mountain
Todd Ulses
Kenneth Abeyta

Robert Benavidez
Clinton Nicely
Josh Rubin
Suzanne Begay
Sarita Nair
Danielle Gilliam for James Kenny
Wayne Propst

OTHERS PRESENT

Melissa Gutierrez, Office of Cybersecurity Support
Todd Baran, Office of Attorney General
Senator Michael Padilla, Todd Glanzer (Deloitte), Rick Comeau (Deloitte), William Campos, Nathan Brown, Phil Zamora, Dan Garcia, Valli Wasp, Carla Walton, Brenda Fresquez Cecilia Mavrommantis (DFA designee)

After the Roll Call Chair Sambandam asked Senator Michael Padilla to address the Committee as he was the principal sponsor of the legislation creating the Office of Cybersecurity and this Committee.

Senator Padilla stated he was honored to partner with multiple legislators to create the Office of Cybersecurity. Thanked all who have come together today and will continue to meet in order to continue the work of this Committee. Welcomed everyone and conveyed greetings from the Legislature. Expressed his hope that the work done here will bear a lot of fruit for New Mexico. Noted that he is always available and asked that the Committee and Chair let him know if anything is needed to accomplish their work.

Sambandam – Thanked the Senator for his remarks. Asked Ms. Gutierrez to continue with the Agenda.

3. APPROVAL OF AGENDA

MOTION A motion was made by Mr. Johnson and seconded by Ms. Gilliam to approve the agenda as presented.
There being no opposition, the motion passed.

**4. Office of Cybersecurity & Cybersecurity Advisory Committee Information -
Chair Raja Sambandam**

Chair Sambandam greeted the Committee and thanked the members for taking the time to

participate. Noted this was the first meeting of this Committee and reviewed the section of SB280 where the Office of Cybersecurity was established. Described how the security team within the Department of Information Technology was moved into the Office of Cybersecurity and he will now be the CISO in charge of this operation as part of the overall initiative.

Sambandam – Screen-shared and reviewed key points of the functions of the Office of Cybersecurity.

Reviewed the function of this Committee and noted that this Committee is mandated by the legislation to advise the Office of Cybersecurity in the development of a statewide cybersecurity plan, establish guidelines for cybersecurity best practices, and provide recommendations on how to respond to cybersecurity threats or attacks. At a minimum this Committee is required to meet once every two months. Reviewed other functions of the Committee, in particular the requirement to provide a report to the Governor's Office by 11/30/2023. Stated he believed it would be more useful if the Committee could meet more often than the requirement stated above. Asked that someone else make that motion as appropriate.

**5. Open Meeting Act & Inspection of Public Records Act Compliance -
Office of Attorney General – Todd Baran**

Sambandam - Stated that this Committee is subject to the Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA). What is discussed in these meetings could be sensitive and appropriate mitigations may play a role. He then asked Mr. Baran from the Attorney General's Office to comment.

Baran – Stated that the Attorney General's Office is responsible for ensuring OMA and IPRA compliance for all public bodies, including this Committee. They also provide legal counsel to bodies that do not have access to legal counsel through their administratively cached agency. He is here only to provide information regarding OMA and IPRA compliance obligations and processes, but does not serve as the Committee's legal counsel at this point. Since this Committee is attached to DoIT administratively, legal counsel for DoIT should provide legal advice to the Committee. At this time DoIT does not have anyone in that position, so the Attorney General's Office may be able to fill in, but for today's meeting he is only the representative of the Attorney General's Office for background purposes.

Reviewed that by statute this Committee is subject to OMA and IPRA compliance.

Asked Mr. Johnson or Ms. Gutierrez if a decision has been made as to whether members of this Committee will have accounts within the .gov domain.

Johnson – Does not believe a decision has been on this yet.

Baran – Reviewed challenges with remaining IPRA compliant if members of the Committee are not all in the same domain. Noted that Ms. Gutierrez has been working with the current Cybersecurity Planning Committee on processes to ensure that the records created are maintained pursuant to required retention schedules and are produceable in response to IPRA requests. DoIT will be the record custodian for this Committee, will need to publish a notice to that effect and will facilitate any public records requests received by this Committee.

Reviewed details regarding Committee member communications with respect to what will or

will not be considered public records. Also reviewed details regarding use of personal email accounts and the responsibilities of Committee members in this scenario.

Stated there is a privilege for both OMA and IPRA which protects information that could disclose a vulnerability in an IT system, and it will be up to DoIT and Mr. Sambandam to evaluate whether or not the Committee's documents or meeting content are subject to that exception, in consultation with legal counsel.

Addressed Chair Sambandam – If it appears that discussions during these Committee meetings will be subject to this exception the Attorney General's Office will provide a script to be followed which will allow the meeting to move into a closed executive session for purposes of discussing the privileged information and gave instructions for coming out of such a closed session. If there are questions about whether the planned discussion will be subject to this exception they should reach out to general counsel, which will probably be someone in the Attorney General's Office until this position within DoIT is filled.

The Committee will need to adopt an OMA resolution which will specify when regular meetings will occur and how someone can request accommodations. Since Governor has rescinded all public health orders related to COVID, OMA does require that there be an in-person component to every public meeting, so all meetings will need to be at least hybrid if not fully in-person. For purposes of voting on items of significance, such as promulgating proposed rules or directing the Cybersecurity Office to promulgate proposed rules it is best practice to have a quorum of members present in-person for such a vote. Committee's OMA resolution will need to indicate how people can attend in-person and also indicate that meetings will be hybrid.

Happy to answer any questions members may have.

Sambandam – Thanked Mr. Baran for his participation today.

6. Executive Order 2022-141 – Raja Sambandam

Chair Sambandam reviewed history of EO2022-141, which was issued to support the IJJA Cybersecurity Grant, including the creation of the Cybersecurity Planning Committee. Primary objective of that Committee is to develop a Statewide Cybersecurity Plan. Application for the grant was successfully submitted to FEMA with award of \$2.5 million received. Reviewed screen-share of award information, including state matching funds, with the total now at \$2.8 million. Reviewed how IJJA grant for New Mexico is calculated, and over four years New Mexico will receive approximately \$13 million, with various percentages for each of those four years.

Reviewed intent of EO2022-141, which is to create a holistic cybersecurity program, with the objective of bringing in stakeholders from 33 counties, 23 tribal entities, 106 municipalities, 31 higher educational institutions and 118 school districts. Ideally the purpose was to create a process on how to mitigate cybersecurity risk; how to identify, protect and recover information, technology and systems as well as how to detect and respond to cyber threats and how to mitigate these threats.

The Cybersecurity Planning Committee is in the process of finalizing the Cybersecurity Plan and this Plan will be presented to this Committee. Noted that the Planning Committee was further divided into two subcommittees, the Planning Subcommittee and the Engagement Subcommittee.

Deloitte was asked to assist the Planning Committee in this process which included a large engagement project, gathering data/input from various entities.

7. Cybersecurity Plan Presentation – Deloitte – Todd Glanzer

Mr. Glanzer introduced himself as the managing director with Deloitte Cyberpractice. Stated that Deloitte has been engaged since Fall 2022 to support the Cybersecurity Planning Committee and the efforts previously described by Mr. Sambandam with respect to the grant program and development of the Cybersecurity Plan.

Mr. Glanzer screen-shared and reviewed details related to the grant program (SLCGP) and the Cybersecurity Plan, as well as the timeline for finalization and submission of the Plan by 09/30/2023.

Paused for questions related to the grant program and the Cybersecurity Plan.

Noted key areas, specifically that at some point these funding programs will go away, so part of the ongoing work of this Committee and the Office of Cybersecurity is how the Plan will evolve and how activities and engagement with local entities will continue to inform a future funding profile which will be needed to provide funding matches as well as providing means to sustain this program for the State. Deloitte is also engaged at the FEMA and CISA level to understand what has been successful in other states in terms of pursuing these activities, and Deloitte will be bringing this information and recommendations to New Mexico to facilitate discussion and movement forward in terms of addressing items that can have potential widespread impact within the state for reducing risk.

In summary, the Plan is on track with the Planning Committee and will be progressing through the submission process through DHS in order to move on to the next phase of the program.

Concluded presentation and asked if there were questions. There were none.

8. Schedule & Timelines – Raja Sambandam

Mr. Sambandam noted that he, Ms. Hayne and Mr. Benavidez have been serving on the Planning Committee, and they can provide transition information to members of this Committee as needed.

Thanked Ms. Gutierrez and others for providing the timeline and reviewed the timeline for the Committee with particular note that the report from this Committee is due in the Governor's Office by 11/30/2023.

Restated that the legislation stipulates that this Committee is required to meet every two months, minimum. Would like to establish a tentative schedule until the report is submitted.

Johnson – Moved that the Committee meet once a month on the first Thursday of each month, through 11/30/2023, which would mean meetings on 09/07/2023, 10/05/2023 and 11/02/2023. Could possibly be changed to every other month thereafter.

Sambandam – Asked Ms. Gutierrez if she could process this.

Gutierrez – Yes she could do so, but Mr. Johnson presented a motion and this should be

opened up for discussion. No hands raised for discussion. Restated Mr. Johnson's motion to meet once per month on the first Thursday of each month until the report is submitted. Asked for a second to the motion.

Ulises – Asked for clarification, would this be every other Thursday or just the first Thursday of each month. Some confusion as to what was stated in the chat.

Johnson – Apologized for this. His recommendation is to meet monthly until the report is delivered, then possibly meeting every other month after that.

Ulises – Seconded the motion to meet once a month through November.

Gutierrez – Any opposition?

Gilliam – Comment in the chat as a possible alternative before voting. Comment was from Todd Baran, "you may want to consider forming a subcommittee to do the main work on the report".

Sambandam – A very valid comment. Asked Ms. Gutierrez if they should proceed with the motion. Replied to Ms. Hayne's question in the chat; the Planning Subcommittee and the Engagement Subcommittee did most of the work under the Planning Committee created by the Executive Order, which is in the final stages of getting that Plan completed. This Advisory Committee will transition into this role and provide the report of this plan to the Governor, the Legislative Finance Committee and any other interim committees.

Johnson – Asked if it was the job of this Committee to finalize the Plan.

Sambandam – Asked Mr. Baran to comment.

Baran – It is this Committee's responsibility to issue the report, but it is common practice with a deliverable, such as a report to come out of a committee, to form a subcommittee of less than a quorum of the members who can work more frequently and work outside of the requirements of the OMA to formulate the drafts and then come back to the full Committee for guidance/comments on the drafts and ultimately approval of the finished document.

Hayne – Agrees with logical and supportive subcommittee structure, however, voiced concern about moving bulk of the work to a smaller group such as a subcommittee before the full Committee has had an adequate opportunity to work together in a single full meeting. Could discuss this subcommittee structure before moving bulk of work to a smaller group.

Sambandam – Asked if motion should be held until after discussion of subcommittee structure.

Hayne – Yes.

Abeyta – Were all items on the Agenda action items or just discussion items?

Sambandam – Screen-share shows timeline mandated by legislation for provision of the report. Need to be careful not to confuse the Plan with the report. The Plan is part of the report to be provided to legislative committees and the Governor's Office. Asked for clarification from Ms. Gutierrez.

Gutierrez – Agreed with Mr. Sambandam’s comment. However, she believed Mr. Abeyta was asking if the items on the Agenda were action items or discussion items. Asked Mr. Abeyta to clarify.

Abeyta – Yes, he understood that the items on today’s Agenda were going to be informational items only. Wanted to be sure to follow parliamentary rules.

Gutierrez – Deferred response to Mr. Baran.

Baran – Asked Ms. Gutierrez to screen-share Agenda again, which she did.

Abeyta – Not seeing this specified on the Agenda.

Baran – Regarding item #8 the Committee can discuss a schedule and timelines, but before forming a subcommittee this would need to be indicated on the Agenda. This item allows for a broader discussion about how the Committee will accomplish their work.

Sambandam – Asked Ms. Gutierrez to go back to timeline and meeting schedules slide.

Johnson – Still thinks it would be good to meet monthly. Suggested next meeting on 09/07/2023, to get into the work of the Committee, discuss the Plan, the potential of appointing a subcommittee, make this a working session to develop a framework for the work of a subcommittee. Concerned about November deadline coming up quickly and believes Committee should begin to meet regularly.

Sambandam – Other comments?

Gutierrez – This would give her the 10 days before the September 7th meeting to get the notice of meeting published. She could also put on next meeting’s Agenda the resolution mentioned by Mr. Baran and as well as other items previously noted, to include determination of a subcommittee.

Sambandam – Sounds reasonable. Acknowledged Mr. Abeyta’s hand up on screen.

Abeyta – Yes, he did have a hand up, but Ms. Gutierrez answered his questions about items for next meeting.

Sambandam – Are all in agreement with meeting September 7th?

Johnson – Believes so. This is important due to the timeline the Committee’s work needs to adhere to.

Sambandam – Asked Ms. Hayne if this works for her.

Hayne – Yes, it does. Her comment was regarding subcommittees, not the proposal to meet monthly. She agrees with monthly meetings.

Sambandam – Asked Ms. Gutierrez if notes were being made.

Gutierrez – Yes.

Johnson – Made motion and was seconded, just needs call for any opposition.

Sambandam – Asked Ms. Gutierrez to proceed with this.

Gutierrez – Is there any opposition to the motion proposed by Mr. Johnson and seconded by Mr. Ulses?

Seeing no opposition this Committee will meet monthly until the report is submitted, with the next meeting being September 7, 2023.

Abeyta – Inquired as to time of meeting. Same time as today?

Gutierrez – Most participants indicating affirmative so meeting will be at 2:00 p.m., September 7th.

Johnson – Need to discuss establishing location for in-person portion of hybrid meetings. Possibility of alternating between Santa Fe and Albuquerque?

Sambandam – Yes, definitely need to address this and find a suitable location. Will work with Ms. Gutierrez on accommodations for this.

Johnson – Has a location at the Gaming Control Board, a large conference room, that may be a possible solution.

Sambandam – Thanked Mr. Johnson for the information, will take this into consideration.

Hayne – Question about delegates or designees if a member is unable to attend. The meeting on September 7th will be difficult for her and she would like to know what to do about that.

Sambandam – Will need to consult with Mr. Baran or Ms. Gutierrez about this, unsure if the statute allows for this. Asked Ms. Gutierrez if she knows. Believes some possibilities were discussed.

Gutierrez – Will leave this up to Mr. Baran, looks like he has unmuted and is ready to answer.

Baran – Statute does indicate that anyone appointed to this Committee can designate a stand-in for these meetings, but not two representatives for a single Committee member. These individuals can attend in-person in place of the Committee member.

Hayne – Will this be on a meeting to meeting basis, not a delegate for the role?

Baran – Yes, that is correct.

9. Public Comment

Sambandam – Called for public comment and asked that comments be brief in the interest of time.

Ulses – How would the public access the meetings?

Gutierrez – Meeting Zoom link is open to the public, no restrictions. Public notice issued for today's meeting included the link. For Public Comment they only have to raise their hand during that Agenda item and be recognized by the Chair.

Have had vendors try to use the Public Comment as platform to introduce their product. She would prefer that these individuals contact her prior to meetings to set up designated time for them to present.

Ulses – Is the posting on the DoIT website?

Gutierrez – Yes. This is where it will be published. There are guidelines in the OMA and through the resolution of this Committee those will be identified and this will be drafted before the September 7th meeting. She will work with Mr. Baran to get that draft out to Committee members, hopefully for adoption at the September 7th meeting.

Baran – Committee can indicate in the Agenda if Public Comment will be allowed for each meeting and the general areas to which people can comment. Will need to be done in a speaker neutral, content neutral basis within the stated subject matter.

Sambandam – Thanked Mr. Baran for his comment in the chat about designees; Mr. Baran had indicated that members should notify the Chair prior to the meeting regarding designees so this can be noted at the beginning of the meeting to satisfy requirement for quorum.

Gutierrez – Additionally members should also cc: her regarding designees for the meeting.

Sambandam – Yes, would members please include Ms. Gutierrez on communications about changes or updates.

10. ADJOURNMENT:

MOTION A motion was made by Mr. Ulses, seconded by Mr. Johnson to adjourn the meeting.
There being no objection the motion passed.

There being no further business before the Committee the meeting adjourned at 2:59 p.m.

DocuSigned by:



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Raja Sambandam, Committee Chair, State CISO