

INFORMATION SECURITY AND PRIVACY ADVISORY BOARD SUMMARY OF MEETING

**DoubleTree Hotel and Executive Meeting Center
1750 Rockville Pike
Rockville, MD**

March 29-30, 2005

Tuesday, March 29, 2005

Acting Board Chairman, Leslie Reis convened the Information Security and Privacy Advisory Board Meeting (ISPAB) for its first meeting of the year at 8:30 a.m. Other members present were:

Bruce Brody
Morris Hymes
Susan Landau
Steve Lipner
Sallie McDonald
John Sabo

Board Chairman Franklin Reeder joined the meeting later in the day. Others in attendance were Board member designees Daniel Chenok, Lynn McNulty and Alex Popowycz.

The meeting was held in open public session. There were eight members of the public in attendance during the meeting.

The motion was made and seconded to approve the minutes of the September Board meeting as modified.

Update on Activities of Office of Management and Budget's (OMB) Government Line of Business Initiative

Bruce Brody and Joan Hash reported on a new OMB task force established to examine the opportunities to share common process and functions in managing federal information technology security. The OMB and the Department of Homeland Security will co-chair the effort. A kick-off meeting was held on March 23, 2005. A Request for Information will be issued the first week of April. The Board will continue to follow this effort as it progresses and will plan to have an update at their June meeting.

Discussion of Customer Relations Management (CRM) White Paper

Board Member Leslie Reis received feedback from the Board members on her draft CRM White Paper. As a result of these discussions, another version of the document will be drafted and circulated to the Board members for further discussion at the June Board meeting provided there is additional input from the members.

Department of Homeland Security's (DHS) Annual Privacy Report – Board Discussion

Board member Susan Landau led the discussion of this topic. There were several areas of privacy issues/concerns that Dr. Landau believed were not addressed in the report. Dr. Landau suggested that the Board consider developing a set of questions to address some of these issues and forward these findings to OMB for their consideration. It was recognized that this was DHS's first privacy report. They also recognized the establishment of the data privacy and integrity advisory committee as one of the accomplishment of the DHS Privacy Office.

Briefing on Department of Homeland Security (DHS) Data Privacy and Integrity Advisory Committee

Board member John Sabo briefed the Board on the newly created DHS Data Privacy and Integrity Advisory Committee. Mr. Sabo is one of the 20 members of the Committee. The DHS Data Privacy and Integrity Advisory Committee (the Privacy Advisory Committee) will advise the Secretary of the Department of Homeland Security and the DHS Chief Privacy Officer on programmatic, policy, operational, administrative, and technological issues within DHS that affect individual privacy, as well as data integrity and data inter-operability and other privacy related issues. The first meeting of the Committee will be held in April 2005. The Board looks forward to periodic briefings on this new activity.

Health Insurance Portability and Accountability Act (HIPPA) and Privacy Rule

Mr. Mike Pagels, Director of Privacy Rights and Protection Staff at the Centers for Medicare and Medicaid Services (CMS), briefed the Board on CMS' implementation of HIPPA. [Ref. #1] Amy Chapper of his staff accompanied him. Mr. Pagels reviewed the purpose of the HIPPA provisions, who and what is covered, individual rights and uses and disclosures of protected health information. Mr. Pagels described the CMS programs describing their covered health plans and communication strategy and outreach procedures. Privacy of electronic medical records and authentication were identified as two areas that Mr. Pagels feels should be addressed in the future.

Privacy Act Revisited

Board members Sallie McDonald and John Sabo led a discussion on the need to update the Privacy Act. They reviewed key privacy requirements and privacy impact assessments. The Board offered their opinions on the topic. They included questions such as is the current legal framework viable; is there a set of actions that OMB or NIST should do to fill in some of the gaps? Information privacy policy and standards development can benefit from industry expertise in compliance management. The major point identified was that the Privacy Act needs a technology upgrade. The Board decided to pursue this topic further at their June meeting in anticipation of developing a dedicated Privacy Act session at their September 2005 meeting.

The meeting was recessed at 4:50 p.m.

Wednesday, March 30, 2005

Chairman Reeder reconvened the meeting at 8:40 a.m. Since there was not a quorum present at the December 2004 Board meeting, the minutes of the December 2004 meeting were presented and approved at this meeting.

Advisory Board Member Waiver Process

Ms. Dana Jacob and Mr. Nathan Cole of the Office of the Assistant General Counsel for Administration, Department of Commerce, met with the Board to discuss the purpose and procedures for granting waivers to special government employees such as Advisory Board members.

Conversation with Dr. Shashi Phoha, NIST Information Technology Laboratory (ITL) Director

Board members had the opportunity to meet the newly appointed ITL Director, Dr. Shashi Phoha. The Board asked Dr. Phoha what they could do for the Laboratory and more specifically, the Computer Security Division. Dr. Phoha has an agenda of outreach to industry as a vehicle to gain more recognition for the efforts of ITL and the efforts of the Computer Security Division. She will follow-up with the Board as this work effort progresses. She expressed her appreciation for the efforts of the Board and their commitment to the programs of the Computer Security Division.

Computer Security Division Marketing Plan

Pamela Houghtling, NIST ITL Marketing Manager, briefed the Board on a draft CSD Marketing Plan being developed and asked for the Board's feedback and recommendations. She presented the Board with an outline covering the objectives, target market/audiences, key messages, tactics and tools and metrics. The members offered their suggestions for ITL's consideration.

RFID Efforts at SRA International

Mr. Dan Chenok, Vice President and Director, Policy and Management Strategies, SRA International, opened the discussion with a brief overview of SRA's mission and security services that they provide to federal agencies. Mr. Nick Tsougas, SRA's Senior Logistics Consultant to the DOD Automatic Identification Technology (AIT) Office and Dr. Anna Slomovic, formerly with the RAND Corporation and EPIC, accompanied Mr. Chenok. Mr. Tsougas' discussion covered the functional RFID system, the radio frequency spectrum, current RFID applications, the EPC global network vision and the challenges ahead. Dr. Slomovic's discussions covered the privacy issues in RFID applications. Privacy issues arise when RFID leads to collection or connection of information about individuals. RFID devices involve data privacy and location privacy. The 2004 Report of the Technology and Policy Advisory Committee stated, "The consistent experience with data protection suggests that, over time, there is always pressure to use data collected for one purpose for other purposes."

Public Participation Period

There were no requests to speak from the public attendees.

There being no further business, the meeting was adjourned at 4:15 p.m.

Ref. 1 - Pagels Presentation

/s/

Joan Hash
Board Designated Federal Official

CERTIFIED as a true and accurate
summary of the meeting.

/s/

Franklin S. Reeder
Chairman