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DEPARTMENT OF HOMELAND SECURITY

DATA PRIVACY AND INTEGRITY ADVISORY COMMITTEE

(DPIAC)

1:00 p.m.

Friday,

May 14, 2021

(VIA MICROSOFT TEAMS)

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1 P R O C E E D I N G S

2 (1:01 p.m.)

3 * MS. SANCHEZ: Good afternoon and welcome
4 everyone. It is now just past one o'clock and this
5 meeting of the Data Privacy and Integrity Advisory
6 Committee is called to order.

7 We have committee members and members of the
8 public with us today. Please everyone remember to
9 mute your mics, until it is time for Q&A or time
10 for public comments. And committee members, if you
11 have any difficulties hearing or seeing at any
12 time, just let me know.

13 The meeting agenda for today's session can be
14 found on the Data Privacy and Integrity Advisory
15 Committee website at [dhs.gov/privacy-advisory-](https://dhs.gov/privacy-advisory-committee)
16 [committee](https://dhs.gov/privacy-advisory-committee) and from there you can look under meeting
17 information and find today's date. The meeting
18 information for today's meeting will also be found
19 at that location later.

20 Let's see. I will now take a quick roll call
21 and turn it over to the Committee Chairperson Lisa
22 Sotto for opening remarks.

1 Do we have Sharon Anolik?

2 MS. ANOLIK: Here.

3 MS. SANCHEZ: I see you Sharon. Thank you,
4 Dennis Dayman.

5 MR. DAYMAN: I'm here. Thank you.

6 MS. SANCHEZ: If you guys can go off mute. I
7 can't see all of you on my screen at once.

8 MR. DAYMAN: Nicole, Dennis is here. Can you
9 hear me? Hello?

10 MS. SANCHEZ: Okay, Dennis I see you. I'm
11 going to come back to you and do a comms check.
12 Mark Francis?

13 MR. FRANCIS: Hi, I'm here.

14 CHAIRPERSON SOTTO: Nicole, I think you're
15 having trouble hearing because I'm hearing both
16 Dennis and Mark.

17 MS. SANCHEZ: Okay, I can hear you, Lisa. So
18 that's good.

19 CHAIRPERSON SOTTO: Okay, Dennis and Mark
20 said yes.

21 MS. SANCHEZ: Wonderful, thank you. Sarah
22 Knight?

1 MS. KNIGHT: Yes, I'm here.

2 MS. SANCHEZ: Thank you. John Kropf?

3 MR. KROPF: Yes, I'm here.

4 MS. SANCHEZ: All right. Chris Pahl?

5 MR. PAHL: Yes, I'm here.

6 MS. SANCHEZ: Charles Palmer? Tom Plofchan?

7 MR. PLOFCHAN: Good afternoon.

8 MS. SANCHEZ: Hi, Lisa Sotto. I see you,
9 thank you.

10 Chris Teitzel?

11 MR. TEITZEL: Here.

12 MS. SANCHEZ: Great. Surbhi Tugnawat.

13 MS. TUGNAWAT: Here.

14 MS. SANCHEZ: Thank you. Toke Vandervoort, I
15 do not believe will be joining us today, but just
16 in case. And Ron Whitworth?

17 MR. WHITWORTH: Yes, I'm here. Hello.

18 MS. SANCHEZ: Thank you Ron. All right,
19 thank you all again for joining us today and now I
20 will turn it over to -- yes?

21 CHAIRPERSON SOTTO: Lynn Goldstein, I
22 believe.

1 MS. GOLDSTEIN: Yes, I'm here.

2 MS. SANCHEZ: Oh, I'm sorry, I jumped right
3 over Lynn, thank you Lisa.

4 MS. GOLDSTEIN: Thank you, Lisa.

5 MS. SANCHEZ: All right, over to you, Lisa.
6 Thank you.

7 * CHAIRPERSON SOTTO: Fantastic, thank you and
8 thank you all for joining. You know, it is less
9 than an ideal setting but I think, you know, we're
10 making do, I think, very well.

11 So Nicole, thank you for introducing everyone
12 today and thank you all, committee members and
13 members of the public for joining us and welcome to
14 this meeting of the Data Privacy and Integrity
15 Advisory Committee.

16 Before we begin, I would like to just remind
17 everyone to please mute your mics for the duration
18 of the presentations. There is designated time for
19 committee member questions after each presentation
20 and we'll make sure that everybody gets time to ask
21 questions.

22 There's also designated time for public

1 comment at the end of the session.

2 For any members of the public who would like
3 to address the committee, please email
4 "PrivacyCommittee@hq.dhs.gov" and we'll do that
5 during the public comment portion of the session.

6 So, as I said, welcome to committee members,
7 to speakers, and to members of the public. And
8 we're going to, please ask that you use the chat
9 function if you wish to speak. It's, we usually
10 turn our tent cards up when we're meeting live but
11 we don't have that benefit over video conference.

12 So we have a great agenda today. We have our
13 new Chief Privacy Officer and Chief Freedom of
14 Information Act Officer, Lynn Parker Dupree, who is
15 joining us and is going to provide the committee
16 with an update on the Privacy Office's activities.

17 Following Ms. Dupree's presentation we're
18 going to receive updates from the Policy Committee
19 and the Emerging Technologies Subcommittee on their
20 progress with respect to their respective taskings.
21 And as I said, there'll be time after those
22 presentations for committee member Q&A after each

1 subcommittee briefing.

2 And as a reminder, the tasking information is
3 available on the DPIAC webpage under meeting
4 information for October 27, 2020.

5 Following these discussions, we've reserved
6 time for public comments beginning tentatively at
7 2:40 and again, tentatively. We haven't received
8 any advance notice from anyone who would like to
9 address the committee. So we'll open the floor to
10 members of the public around that time but if we
11 are running ahead on discussion we may open the
12 public comment period sooner. So I just want to
13 stress that that may happen.

14 So again, please mute your mics, I will do
15 the same, unless you're presenting or speaking
16 during Q&A and I'd like to turn the program over to
17 Chief Privacy Officer Lynn Barker Dupree.

18 * MS. PARKER DUPREE: Thank you so much. Good
19 afternoon everyone and thank you for joining us for
20 today's public meeting of the DPIAC. I'm very
21 happy to have the opportunity to speak to the
22 committee, and to hear updates on your work on

1 behalf of the public.

2 The DPIAC is the Privacy Office's only
3 advisory committee, and you all provide valuable
4 insight and input to our important mission. I look
5 forward to engaging with all of you this year.
6 I've been enjoying my introductory meetings, and
7 I'll be in taking into account all of your
8 wonderful insights as we plan it for the year
9 ahead.

10 Now while this is my first public meeting
11 with the DPIAC as the Chief Privacy Officer, as I
12 said before, in many ways, this is a homecoming for
13 me. My first job in Privacy was in the DHS Privacy
14 Office, and it is truly a full circle moment for me
15 to be back in this capacity.

16 After serving in the Privacy Office, I
17 transitioned to the Office of the General Counsel
18 before going to the White House as a Deputy
19 Associate Counsel for Presidential Personnel.

20 I joined the Privacy and Civil Liberties
21 Oversight Board and held a variety of roles there
22 prior to my departure in 2020 as the Executive

1 Director. After leaving the PCLOB, I worked in the
2 private sector as the Director of Governance and
3 Controls in the Data Ethics and Privacy Office at
4 Capital One.

5 I'm excited to be rejoining the Department at
6 this critical time. The Department's programs and
7 activities have continued to expand since its
8 creation, and the technology has continued to
9 evolve in ways that have had an outsized impact on
10 personal privacy.

11 My priority is to ensure that the DHS Privacy
12 Office is equipped to adapt and to respond to the
13 changing realities in privacy issues. Part of
14 accomplishing this goal means ensuring that we have
15 a seat at the table in the discussions, early in
16 the process whenever policies and programs that
17 impact privacy are under development, and that we
18 are fully utilizing our compliance processes to
19 ensure that protections are embedded into programs
20 and systems.

21 I'm also dedicated to ensuring that we are
22 supporting our privacy colleagues in the

1 components, and that we are giving them the support
2 and tools they need to ensure that the Department
3 simultaneously protects privacy while meeting it's
4 very important mission set.

5 As committee members, I appreciate the time
6 commitment you have made and want to make the most
7 out of your expertise to provide tangible and
8 achievable recommendations to the to the
9 Department. Going forward, you can expect to meet
10 at least twice a year. To the greatest extent
11 possible, I will set that dates for the public
12 meetings at the beginning of the year to allow
13 adequate time for you to plan ahead.

14 I'll also be looking for new ways to engage
15 with you and will be soon soliciting for new
16 committee members. We anticipate the publication
17 of the Federal Register Notice by the end of May
18 and any questions regarding the solicitation or the
19 committee's business may be sent to the DPIAC
20 Executive Director, Nicole Sanchez.

21 Again, thank you again for volunteering your
22 time, your efforts, your talents, on behalf of the

1 public. Also thank you to the members of the
2 public who have joined us for today's meeting. I
3 look forward to hearing from you all.

4 I'll turn it back over to Ms. Sotto. Thank
5 you.

6 CHAIRPERSON SOTTO: Thank you so much. We
7 are, I think you can assume that every single
8 member of the committee is just so excited to
9 assist as you need. So we are at your disposal.

10 Let me ask if I may, for any comments from
11 the committee members.

12 (No response.)

13 CHAIRPERSON SOTTO: Okay. All right, then
14 let's move on. And if we could get please a
15 briefing from the DPIAC Policy Subcommittee Chair
16 Dennis Dayman. Dennis is going to be providing the
17 committee with an update on the information sharing
18 tasking, that that subcommittee has been working on
19 for some time now.

20 MR. DAYMAN: Thank you Lisa. Can you hear me
21 fine?

22 CHAIRPERSON SOTTO: Perfect. You're perfect.

1 * MR. DAYMAN: Awesome, wonderful. Well, thank
2 you very much for that and welcome everybody. And
3 I'm glad to see that we're back to work here within
4 the DPIAC, and again, we welcome our new Chief
5 Privacy Officer to the position.

6 Just as a quick update, you know, in terms of
7 us filing, you know the update, pursuant if you
8 guys recall, in October of 2020, we were tasked
9 with creating a Policy Subcommittee to look at
10 three different things really.

11 A lot of it was around how to provide
12 guidance and best practices to ensure the effective
13 implementation of any sort of privacy requirements
14 that DHS would have around information sharing
15 across the DHS enterprise, and also any sort of
16 third parties or other government agencies, as
17 well, that would come into contact with the data
18 that would be required be transferred.

19 But more specifically how the Privacy Office
20 could better engage with the other offices and
21 other components to, you know, obviously improve
22 the consistency in meeting any sort of requirements

1 on information sharing requirements. And again,
2 the impacts on privacy positively or negatively.

3 And the secondarily to that, you know, how
4 the Privacy Office could provide better oversight
5 of those protections that are included in, you know
6 also, information sharing agreements that DHS and
7 other entities might have, and that were there any
8 specific metrics or anything that could be utilized
9 within those agreements and what the processes
10 currently had been, could we find improvements to
11 them and then moving forward what those
12 improvements might look like.

13 And then third, were there any additional
14 considerations necessary to implement those privacy
15 requirements into those sharing activities.

16 You know, obviously 2020 was an interesting
17 year for us in terms of a lot of things, but since
18 that tasking took place, this subcommittee came
19 together and met several times during the past
20 administration and at least once during the new
21 administration right now, and obviously during that
22 time period some changes and some scheduling

1 issues, you know, had come up.

2 But during the first, sort of, you know
3 meetings that we had this subcommittee, took a
4 tasking if you will, internally, sort of, to
5 understand how DHS departments handle and share
6 information, again within DHS, other government
7 agencies and then also outside of DHS. And during
8 that time, we asked staff, several different
9 requests I should say, to provide more guidance and
10 other examples of even things like past memorandums
11 of understanding or MOUs within DHS and third
12 parties. So we, as a subcommittee, especially for
13 some of us who had just gotten here in recent years
14 could understand a little bit more about what had
15 been -- what has been working. And again, you
16 know, what areas do we think as a subcommittee and
17 our experiences could be brought into this.

18 And then whether or not other things like
19 the, you know, Federal Information Processing
20 Standards baselines were being used and what those
21 practices and policies, you know also look like.
22 And again just really sort of just getting a better

1 understanding over the last couple of years, what's
2 been required of the previous administrations and
3 staff as well.

4 The committee had also had requested other
5 clarifications as well, on whether or not the
6 tasking at the time -- when we looked at the
7 tasking as a subcommittee, there were a couple of
8 questions that had come up to get clarification on
9 to say, you know, were the three things, if you
10 will, that were that were given us as a tasking
11 correctly identified and detailed enough for us as
12 the committee to go through and figure out if any
13 sort of actions need to be taken correct or
14 incorrect, right?

15 And so, you know, in the early stages you
16 know we had felt that those taskings could be
17 lacking or may not be held enough for the committee
18 to take action on and again we went back and sort
19 of asked those questions.

20 There was also a request that was made to
21 staff by the subcommittee to have a better
22 understanding of the report that was issued on

1 November 4, 2020 which was the DHS Office of the
2 Inspector General, or what we call the OIG 2106.
3 And the title that was "DHS Privacy Office Needs to
4 Improve Oversight of Department-wide Activities and
5 Programs and Initiatives."

6 And that was provided to the committee
7 members and reviewed, you know, in our last meeting
8 to understand again, you know what the
9 recommendations, had been from another point of
10 view, really.

11 And then last of all, you know, the committee
12 had requested, again, additional sharing or
13 Information Sharing and Access Agreements, or
14 ISAAs, to again understand what sort of partners
15 and balances had been represented and types of data
16 that have been asked for -- whether they were
17 domestic, international, biographical, biometric,
18 and other sorts of pieces to that. And again,
19 staff had given us that task to review in the last
20 meeting.

21 With these asks to the staff and those
22 findings, the, you know, the committee again in our

1 last meeting in March, began to have a better
2 understanding of what DHS is like for data sharing
3 practices and discussions. And there were several
4 things that we came out with and that we have filed
5 back to DHS on, but I'll kind of get into some of
6 the more details of some of these. And again, we
7 are planning on reviewing these and understanding
8 whether or not that these are the routes we want to
9 take.

10 But things such as, you know, whether or not
11 if a much larger council or data governance is
12 still required and being maintained by DHS in the
13 functional area so you know, should we consider
14 reviewing or reviving an Information Sharing
15 Council within DHS with Privacy as a member.

16 You know, things such as privacy practices
17 within DHS as well, possibly looking at whether or
18 not DHS needs more process versus policy in some
19 areas, things such as, you know, getting a better
20 understanding if existing policies were good enough
21 for carrying out the mission, with or without data
22 agreements in place at times, working to then

1 identify information categories that currently are
2 in place and what categories and types of
3 information are being shared. How much involvement
4 from each privacy office, you know, within DHS are
5 given or involvement are given, and also if proper
6 time has been allotted to review information
7 sharing requests, and how often are they allowed to
8 review past requests for changes in data use and
9 sharing?

10 And this would include again opposite the top
11 DHS Privacy officials in office as well, but making
12 sure the Privacy Office is provided an opportunity
13 to review, again, also all of the information
14 sharing agreements -- and there are quite a number
15 of them out there, to ensure that privacy
16 considerations are addressed for sharing, again,
17 information outside of DHS, whether federal state
18 or agency or foreign government.

19 And then also looking at also if better
20 communication practices are needed and required for
21 those data shares outside of DHS.

22 We also discussed quite a bit and made some

1 internal -- I guess recommendations to ourselves as
2 to whether a new data repository within a tracking
3 system or tracking system is still available and is
4 usable for the current taskings by DHS and
5 information sharing practices. And we want to
6 consider reviewing those information sharing data
7 bases as a clearinghouse to help also inventory
8 existing agreements and moving forward, new
9 agreements or information sharing agreements and
10 whether or not a reminder process if you will, for
11 a regular annual, biannual, whatever that needs to
12 be, review of these agreements, you know, would
13 happened.

14 And then more importantly, I think as you
15 look at all these sorts of things is what metrics
16 are being performed during the privacy impact
17 assessment review. You know when data is being
18 shared, for how long, how often are those PIAs and
19 agreements are being reviewed. And even, again, at
20 that renewal time period that I just mentioned and
21 whether or not those involved have the ability to
22 be notified when a PIA or data agreement is about

1 to expire, and needs to be re-reviewed moving
2 forward to understand whether or not the
3 information sharing practices and requirements are
4 still being met or exceeded.

5 You know, within that establishment again,
6 that repository, that also would send an alert to
7 the Privacy Office when it's time to review those
8 terms are approaching. Perhaps a three month
9 period, you know, is something that could be looked
10 at, and that we're considering as well. And then
11 after which the agreements are auto-renewed if no
12 objections are received, so that we're not stopping
13 any critical data sharing agreements that could be
14 related to, you know, to national security issues.

15 And then whether or not it would be in the
16 best interest of DHS to stop data sharing of those
17 processes, if those processes -- excuse me -- are
18 not being followed. Again, if those data stoppages
19 happen automatically, could they negatively affect
20 those, again, national security data sharing needs?

21 And then the last few things to those would
22 be also then how can the process ensure that

1 privacy receive a timely opportunity for input as
2 well? You know, can we incentivize -- can an
3 incentivized system be created within DHS and
4 within the agencies that work with DHS and are
5 there any risks that can be identified for the
6 owners to help incentivize them as well to want to,
7 you know, ensure that their agreements are in place
8 that they're properly being maintained, and again,
9 if they're doing the privacy impact assessments.

10 And then what failures could -- you know, if
11 a failure happened for a proper privacy review, you
12 know, would there be any sort of, you know, things
13 that we could be doing there as well.

14 And then last again, can an existing process
15 that requires the Privacy Office review be
16 leveraged to ensure a review. So an example of
17 that would be a PIA is required for a system, you
18 know, could that PIA requirements around
19 information sharing be strengthened to require
20 documentation of say data flows and MOUs and MLAs.

21 So with those findings in mind Lisa, you
22 know, the subcommittee is getting ready to explore

1 those potential avenues for further review and
2 develop more specific recommendations for the
3 committee's consideration -- for the overall
4 committee's consideration. I know that I have
5 already had the pleasure of having a one-on-one
6 with Lynn Parker Dupree, just a few short weeks
7 ago, and we've also asked her to provide -- well,
8 we provided her an opportunity to provide further
9 direction or related requests to the original
10 tasking, if so desired by her.

11 And again the subcommittee is looking forward
12 to DPIAC's public review meeting today and if
13 there's any questions that might come from our
14 current committee or the public as well. And with
15 those thoughts and findings in mind, again we're
16 looking forward to the work that's going to come
17 from this.

18 CHAIRPERSON SOTTO: Dennis, thank you very
19 much. You have a very big remit here with this
20 tasking. I have a question, I'll just start off.
21 And you mentioned this, I just would be interested
22 in hearing a little bit more about it. So it seems

1 to me that sort of a baseline for understanding
2 this issue generally is to have a good repository
3 of information sharing agreements and an inventory,
4 you know, table of contents if you will, with maybe
5 a chart and summary.

6 This is, you know, really lay terms of how to
7 keep track of things, but I'd be very interested in
8 hearing if there is that sort of repository and
9 inventory. And then, it's not different -- a
10 second question, really not that related is, is
11 there any kind of documentation around guardrails
12 for information sharing, either within the
13 Department or outside Department?

14 MR. DAYMAN: Yeah, so I'll start with the
15 latter really quickly because that's a that's a
16 quicker answer. But yes, there are guardrails
17 currently that are out there.

18 I think as the committee and staff have
19 looked at what those processes look like, you know
20 the guardrails that are currently there are not
21 quite completely outdated by any means, but you
22 know as DHS, itself, has grown as an organization

1 in different aspects, different agencies under DHS
2 and the uses of data that have been needed over
3 time, you know, looking at those guardrails again,
4 we think would be beneficial for us to understand
5 again, you know, the original ask or the original
6 intention -- excuse me, of the data request, right?
7 The data sharing, you know, is it still the same
8 need and you know, is potentially additional data
9 might be, you know, given out over time outside of
10 those guardrails.

11 We have not been able to identify that just
12 yet to-date as we're still kind of in its infancy,
13 and looking at those, but there have been some
14 questions as to whether or not that, you know some
15 of the data that's there needs to be re-reviewed to
16 make sure that it hasn't gone any further beyond
17 what the original agreement was.

18 The first question though, around that
19 system, yes a system does exist, it is one again
20 that was an early onset system. But over time,
21 again as DHS has grown and staff and agency aspects
22 or how things report up into up in the DHS have

1 changed. It really hasn't been maintained as well,
2 I think from what we understand at a very high
3 level, and that it kind of needs to come back and
4 be a lot more centralized for DHS in a sense,
5 because again there's a lot of different Chief
6 Privacy officers that are out there within DHS.

7 And each one of them also has a different
8 need and a different requirement, and a different
9 sensitivity as well to that data and some of the
10 questions that have come up as to, again, say has
11 this system that's been out for this repository
12 system grown with, again, the task as DHS overall?
13 And should we be looking at improving that?

14 Again, getting all that input from all the
15 different agencies as to how they would use that
16 and how they would interact with it because it's a
17 little bit different for everybody at times.

18 CHAIRPERSON SOTTO: Thank you very much.

19 Others? Am I missing a raised hand Nicole?

20 MS. SANCHEZ: I don't see any raised hands.

21 CHAIRPERSON SOTTO: Okay, all right. So
22 we're good.

1 Dennis and committee members, subcommittee
2 members, thank you very, very much. This is a
3 really big topic and it's such an important topic.

4 Lynn, I think did you have something that you
5 wanted to add?

6 MS. PARKER DUPREE: I did. I just had a
7 quick question and you may not have gotten there
8 yet. But have you identified any sort of
9 categories of information sharing that might be
10 useful to sort of use as a prioritization matter?

11 MR. DAYMAN: No, we have not yet.

12 MS. PARKER DUPREE: Thank you.

13 CHAIRPERSON SOTTO: All right. Anything else
14 to add on that point?

15 (No response.)

16 CHAIRPERSON SOTTO: Okay. Do any of the
17 subcommittee members want to add anything?

18 (No response.)

19 CHAIRPERSON SOTTO: All right, good to go
20 then.

21 Dennis and subcommittee, thank you, thank
22 you. We really appreciate your work on this.

1 There's a lot, a lot to be done and it's such an
2 important project.

3 So if there are no more questions for Dennis
4 or the subcommittee, I'd like to turn it over to
5 the Emerging Technologies Subcommittee, and its
6 Chairperson Chris Teitzel for their tasking update.

7 Take it away Chris.

8 * MR. TEITZEL: Thank you Lisa. Thank you.

9 So as a quick recap here, our tasking was to
10 consider the Department of Homeland Security's
11 transition to cloud service technologies enhanced
12 capabilities that have happened during the
13 transition due to COVID-19 to the telework
14 environment, and to determine if there's any
15 associated privacy risks that would merit near-term
16 tasking from that.

17 As a quick background during our last
18 meeting, we were provided information from former
19 Chief Information Officer Karen Evans and she
20 provided us information about that transition. So
21 the transition happened almost overnight, as we all
22 know in the March timeframe last year. And the

1 Department went from an average daily load of
2 10,000 teleworkers to 70,000 almost overnight. And
3 in addition to the 7x that we saw in telework, the
4 Homeland Security Information Network saw a 200
5 percent increase, and the VPN for the DHS saw a
6 increase by 483 percent.

7 Any one who has worked in IT or networking,
8 knows the stress that this can cause, as you have
9 so much happening so quickly and moving so fast.
10 But luckily, the Department was actually fairly
11 prepared for this and we found this out as we were
12 conducting an interview with a member of the OCIO,
13 the Office of the Chief Information Officer.

14 And they said that in 2018 and 2019 there
15 were large snowstorms that forced a large number of
16 DHS employees into teleworking, and because of
17 that, because of the snowstorms that occurred in
18 years prior, the use of cloud tools, the Microsoft
19 Office Suite Teams -- which we're on now, started
20 becoming more and more prevalent and started being
21 used more and more. And so, we actually have a
22 front run on the pandemic and this migration.

1 And so, though a large transition occurred,
2 it seemed to go as smoothly as one can imagine and
3 actually from the subcommittee's viewpoint, it
4 actually has gone incredibly smoothly.

5 This migration has also been conducted side-
6 by-side with a larger migration to the cloud, off
7 of on-prem servers and on-prem data centers. And
8 so, that movement is to -- obviously with the cloud
9 we can improve service availability, reliability,
10 be a bit more cost effective in that server
11 utilization and data center utilization. And so
12 it's a three-pronged effort that they're going
13 through, still currently.

14 And the three prongs are the migration of
15 data services, and computing to the cloud wherever
16 possible, the consolidation of data center
17 operations. So now that we're moving more and more
18 into the cloud, can we consolidate our existing
19 data centers into more centralized areas that are
20 easier to manage and easier to oversee?

21 And then those that do remain in on-premises
22 data centers, can we modernize them? As we're

1 moving into the cloud and able to have better
2 virtualization and server utilization technology,
3 can that also be applied to the on-prem data
4 centers as well?

5 And so, in our conversations with the OCIO's
6 office we saw that, currently, all systems have
7 been accounted for and identified, which is, as one
8 can imagine for a department of our size, a large
9 tasking in and of itself, and again, because this
10 has started years prior, this process is currently
11 underway and was already underway when the pandemic
12 hit.

13 And so, not only were they accounted for and
14 identified, they each also have gone through an
15 evaluation to see if it's able to move to the
16 cloud. Some systems are not and that's valid. And
17 then, if not, we need to have justification written
18 up and for why it's staying on-prem. So that way
19 we're not just leaving systems on-prem for the sake
20 of it, we're actually providing justification and
21 going through a qualification process there.

22 And then additionally, those legacy systems

1 are being rebuilt with modern technology. And, you
2 know, trying to get to as close to par as we can
3 with their cloud counterparts for resilience and
4 security as well.

5 So as we move, you know, as a department into
6 the cloud, there's quite a bit of risk there as we
7 all know, especially from a privacy perspective.
8 And we wanted to look at a few items as a
9 subcommittee in our questioning with the OCIO's
10 office around this. The first one being data
11 security, that's kind of the more obvious one, the
12 one that everyone thinks about. Is that, you know,
13 are we making sure that the new systems are set up
14 with the proper permission and sharing to make sure
15 that access to data is maintained, and there's no
16 leakage -- data leakage in the process into an
17 insecure system.

18 The second one is integrity, data integrity.
19 And this can often be overlooked or understated
20 during migrations, but it's important to make sure
21 that as data is in motion, as it's moving from the
22 on-prem into the cloud, that we ensure that there's

1 no loss, that there's not an incomplete transfer,
2 that temporary storage locations aren't left open.
3 And there's a great deal of consideration that can
4 come from just maintaining integrity in that
5 process. And I'll get into here in a minute the
6 steps that are being taken for that.

7 And then lastly, is obviously what we're here
8 for, and part of the committee's tasking is the
9 privacy of it and making sure that as we're moving
10 data are we finding personally identifiable
11 information PII, in that movement? Are we
12 identifying new data that needs to be protected?
13 And how does that get managed, how does that get
14 identified, and then eventually how does it stay
15 secure?

16 And so, in our conversations with the OCIO's
17 office, we were given a quite a large background on
18 their process and the steps and the audits that are
19 in place. There's audits that take place at the
20 outset, during the migration, and then post-
21 migration to ensure that all steps and all
22 procedures have been followed and all data has been

1 secured and remains private as necessary.

2 We were given access to Homeland Security's
3 4300A Handbook, which is kind of the overarching
4 policy document that governs all the data security
5 and privacy within the department. And then,
6 augmenting that our management directives, which
7 give more coverage to more modern technologies. So
8 the Systems Handbook is a large handbook, it
9 doesn't get rewritten nearly as often. The
10 management directors are there to augment that, and
11 there's even addendums to the management directives
12 which are more modern and applicable. So there are
13 kind of tiers to how the procedures and policies
14 are in place for, as well as removing systems and
15 classifying systems where the data sits and how.

16 And so we looked at those, and we also looked
17 at kind of a general overview of directives within
18 the system. And, you know we're awaiting word from
19 the Office of the Inspector General to understand
20 more about the cadence of post-migration audits,
21 and how often those are occurring. We want to make
22 sure that as we as we look at data -- okay, it's

1 been moved into the cloud, we're where we want to
2 be and we've hit all the milestones. A year from
3 now, two years from now, what's that cadence look
4 like? To come back and check. Are the systems
5 still acting as they should, and are they still
6 secure and private as they should be?

7 So we're awaiting for that information but in
8 the meantime, we've been as a committee, meeting
9 and working on some recommended next steps. We're
10 putting those in together into a formal
11 recommendation and kind of tasking report that will
12 be sent around to the subcommittee, first for
13 review and then to the larger committee and then
14 eventually to the Privacy Office as well.

15 And so, I can give a kind of an insight into
16 where we're leaning towards and our recommended
17 next steps. We don't see any immediate taskings
18 coming out of this. I think our overview has been,
19 or at least immediate taskings for the
20 subcommittee. I don't think that we have found
21 anything glaring -- and this is a very good thing.
22 We haven't found anything glaring that needs our

1 immediate attention.

2 There are some issues that we're wanting to
3 look into with more modern cloud technology. As we
4 all know policy moves slower than technology. And
5 so as we're adopting more and more modern
6 technologies and more and more modern cloud
7 architecture, if there isn't a management directive
8 for that, and there isn't an addendum that covers
9 it. The Office, the OCIO, falls back to working
10 with the technology partner or software creator, in
11 order to build out according to best practices. It
12 would be good for us to look at how can we
13 internalize those into future directives and in
14 future addendums just to cover new technology that
15 comes in.

16 Secondly, as I talked about. We're looking
17 at the OIG's cadence and what those ongoing audits
18 look like to make sure, as we know, just because
19 something got moved at the outset in a proper
20 manner, sometimes controls can break down over
21 time. And so, we want to make sure that that audit
22 process happens at a regular pace.

1 And then lastly, we're working up some
2 guidance around ensuring just as it occurred during
3 this process, but also just in a more general
4 sense, that privacy by design principles can be
5 implemented in future undertakings like this. And
6 so making sure that policy and technology, have a
7 seat at the table at the beginning of the process
8 in order to ensure that that privacy and security
9 concerns are taken into account as the migration
10 continues, and not just a checkbox in the audit at
11 the end where, you know, it may be too late or it
12 may be overly burdensome or costly to then go back
13 and rectify any mistakes that occurred.

14 So those are the three steps that we're going
15 through now. I anticipate that report being
16 wrapped up here shortly, and then we'll be
17 submitting it around to the rest of the committee
18 once it's ready.

19 CHAIRPERSON SOTTO: Thank you very much.
20 Thank you to both subcommittee chairs for really
21 very thorough explanations of what you're doing.
22 Let me open this up to questions from the larger

1 committee. Does anyone have questions?

2 (No response.)

3 CHAIRPERSON SOTTO: Okay. No questions. So,
4 Chris, I just want to, I think to just clarify. So
5 we're finding that we do not need a larger tasking
6 on this, but we are going to issue as a full
7 committee, a short statement or report, whatever we
8 call this paper, summarizing your findings and
9 maybe making a few recommendations directly rather
10 than taking on another tasking. Is that accurate?

11 MR. TEITZEL: Yeah, that's correct. At this
12 time I don't think the committee's found any
13 immediate taskings that that would be under our
14 purview to take on.

15 CHAIRPERSON SOTTO: Okay, perfect. And Lynn
16 can tell us if there's something that comes out of
17 this particular exercise and that she'd like us to
18 take on as a subsequent exercise. So good.

19 MR. TEITZEL: Yes, thank you. And, again, to
20 highlight here in a public setting the efforts that
21 the OCIO's office has gone through in the past, you
22 know, 13 months now, 14 months. Has been nothing

1 short of a miracle. So, you know, kudos to them
2 and all the hard work that they continue to do in
3 this process.

4 * CHAIRPERSON SOTTO: That's great. That's a
5 great shout out. Thank you. That's very nice.

6 All right. Well, if there were no more
7 questions for Chris or the subcommittee, I'd like
8 to begin the public comment portion of our meeting.

9 So there were no pre-registrants with respect
10 to comments. So I'd like to open the floor to any
11 members of the public who wish to speak and I would
12 ask that you please keep your remarks to about
13 three minutes, as was described in the Federal
14 Register notice. So if you're joining by phone you
15 can mute and unmute by pressing star-six.

16 (No response.)

17 CHAIRPERSON SOTTO: All right, a quiet bunch.

18 MS. SANCHEZ: Lisa, this is Nicole. I want
19 to jump in just a second because we did receive
20 late-breaking comments from Jake Weiner from EPIC,
21 and so I just wanted to see if he was able to join
22 us.

1 (No response.)

2 MS. SANCHEZ: I don't think so.

3 CHAIRPERSON SOTTO: Nicole, do you want to
4 read, I don't know what the format was and whether
5 it's appropriate, but if you'd like to read that to
6 us.

7 MS. SANCHEZ: I can't, it's about nine pages.
8 They will be posted on the website.

9 CHAIRPERSON SOTTO: Perfect. Nine pages is
10 not readable on a Zoom call or a Teams call.

11 Okay, good. So we'll post that and certainly
12 take the comments under advisement, so thank you
13 for that. Of course any written comments are
14 treated as public documents and are available for
15 public inspection, so good.

16 All right. Well then, with nothing further I
17 think this concludes our public comment period.
18 I'll just pause for five more seconds.

19 (No response.)

20 * CHAIRPERSON SOTTO: All right. I will then
21 go ahead and close the public comment portion.

22 Again if you if you would like to submit

1 written comments please do. We would really
2 welcome them and you can email them to "Privacy
3 Committee@hq.dhs.gov" And if you could do so by May
4 28th, we would appreciate that.

5 And with that, many thanks to our speakers,
6 our committee members, who really have worked hard
7 on these taskings and you can see by the amount of
8 work that's been done that these issues have been
9 well considered.

10 We thank members of the public for
11 participating as well today.

12 This formally concludes today's public
13 meeting. We are grateful for your interest and we
14 would encourage you to follow the committee's work
15 by checking our webpage. The minutes of this
16 meeting will be posted there in short order. And
17 with that, this meeting is formally adjourned.

18 Thank you very much.

19 (Whereupon, at 1:43 p.m., the meeting of the
20 Data Privacy and Integrity Advisory Committee
21 was adjourned.)

22