



Joint Commission on Technology and Science
December 2, 2009 10:00 a.m.
House Room D, General Assembly Building

- **Call to order, roll call.**

Delegate May called the meeting to order. A quorum was present at the central meeting location, and Senator Wampler participated via phone from Bristol, Virginia.

- **Annual Report of the Secretary of Technology**
 - **The Honorable Leonard M. Pomata**

The Secretary of Technology made his annual report to JCOTS. A copy of his presentation is available on the JCOTS website. During his presentation, the Secretary highlighted major developments during the preceding calendar year regarding the Virginia Information Technologies Agency, The Center for Innovative Technology, the Office of Telework Promotion and Broadband Assistance, health IT, information security, continuation of operations planning, the productivity investment fund, and the VA STAR program. At the close of his presentation, he recommended that JCOTS reconvene a Health IT working group during the 2010 Interim to look at possible legislative changes required to roll out a Health Information Exchange.

Secretary Pomata fielded several questions from JCOTS members following his presentation:

- The Secretary was asked to address the current funding mechanism for the Virginia Enterprise Applications Program (VEAP), which involves a \$30 million working capital fund. The Secretary indicated that in his opinion, there should be some specific funds put aside for VEAP to be designated for high-priority programs.
 - The Secretary was asked his opinion on governance of IT in the Commonwealth. He responded that he believed that the governance and reporting structure needed to be revisited. He also suggested that in deciding how to restructure IT governance, attention should be paid to a recent study by Gartner regarding CIO governance.
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- In follow-up to his comments on telework, the Secretary was asked how many state employees telework full time versus part time. The Secretary responded that most teleworking was likely part time.
- It was noted that the Secretary's presentation focused heavily on IT. The Secretary noted that while the position has evolved over the years, it is ultimately rooted in IT.
- When asked about the top challenges facing the Commonwealth, from the Secretary's perspective, he indicated that completing transformation under the VITA/Northrop Grumman contract and IT security are high priorities.

• **Annual Report of the President of the Center for Innovative Technology**

○ **Pete Jobse**

The president of CIT presented his annual report to JCOTS. A copy of Mr. Jobse's presentation is available on the JCOTS website. In addition to his prepared remarks, Mr. Jobse also noted that within the past year, and as a result of legislative action taken by the 2009 General Assembly, the Innovative Technology Authority has been replaced by the Innovation and Entrepreneurship Investment Authority. This new entity also incorporated the body previously known as the Virginia Research and Technology Advisory Council, and has the responsibility of looking at statewide research planning. This should ensure that planning is integrated into the investment of scarce research dollars to promote good return on investment. He also noted that CIT's work on broadband is missing an untapped potential. The broadband efforts are currently being led by Karen Jackson and a few contractors. While Karen does an amazing job, to really improve broadband in the Commonwealth, at least three additional people are needed to work on the issue.

• **Annual Report of the Chief Information Officer of the Commonwealth**

○ **George Coulter**

George Coulter, the recently appointed Chief Information Officer of the Commonwealth, provided the CIO's annual update to JCOTS. A copy of his presentation is available on the JCOTS website.

After his presentation, Mr. Coulter responded to several questions from members:

- In response to questions regarding delays in transformation, Mr. Coulter stated that one less-understood issue is that some agencies have decades-old infrastructure that cannot be transformed as-is, and
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cannot be supported on a modern system, and requires exorbitant amounts of recoding. Regarding information security,

- Mr. Coulter noted that the database breach at the Department of Health Professions earlier this year has led to work to detect intrusions on web-based applications.
- When asked about the interim JLARC report on VITA/Northrop Grumman, Mr. Coulter said that what he has found most valuable thus far is the history that the report provides. He said he was not surprised by many of the findings.
- Mr. Coulter was asked about several of the reported work stoppages and outages reported by agencies, how this falls under the current contract with Northrop Grumman, and why a contract modification is required to address this issue. Mr. Coulter indicated that the existing contract does not require a fully-redundant network. Members asked whether this was truly a problem with the contract, or whether it was a problem with performance under the contract.
- In response to questions, Mr. Coulter indicated that there are contract modifications under discussion, but that nothing has yet to be agreed upon.

• **Update on Open Education**

○ **Staff**

Patrick Cushing, JCOTS Staff Attorney, provided JCOTS with an update on open education initiatives in the Commonwealth, including background on the state intellectual property report covered under the next agenda item. A copy of Mr. Cushing's presentation is available on the JCOTS website.

• **State Intellectual Property Policy Report Pursuant to HB 1941/SB 1174**

○ **Secretary of Administration and Secretary of Technology**

Secretary of Administration Viola Baskerville updated JCOTS on the work that had taken place on the development of an intellectual property policy report, as required by legislation recommended by JCOTS in 2008 and adopted by the 2009 Session of the General Assembly. She presented a draft report, but indicated that further work was recommended, and that the workgroup should likely continue to meet and possibly include other parties such as representatives from the Virginia State Bar's Intellectual Property Group and the Office of the Attorney General.

Senator Watkins recommended that the 2009 legislation be amended to continue the workgroup during the 2010 Interim, and to include these additional parties.

- **Update on review of SB 1229 (2009) and development of health information database breach legislation**

- **Staff**

Lisa Wallmeyer, Executive Director of JCOTS, informed the committee that Delegate Nixon and Senator Wampler had met with members of the Joint Commission on Health Care to discuss SB 1229, which was referred to both JCOTS and the Joint Commission on Health Care by the 2009 Session of the General Assembly. The bill addressed notification of database breaches involving medical information. While the joint group did not formally make any legislative recommendations, it did identify a potential gap in state and federal law that would not require notification of such breaches by certain entities, such as the Department of Health Professions.

Legislation was prepared for review that would address this potential gap, and is available for review on the JCOTS website. A motion was made and seconded to recommend this legislation to the 2010 Session of the General Assembly, but the motion failed to pass.

- **Update on review of Social Security Numbers and possible legislation**

- **Staff**

Lisa Wallmeyer presented an update on the ongoing work that JCOTS has been conducting with the FOIA Council over the last two Interims regarding collection of social security numbers. Legislation adopted by the 2009 Session of the General Assembly would limit agencies from requesting that a person provide a social security number unless such request was authorized by state or federal law. This provision would become effective July 1, 2010. In order to prepare for the effective date of the legislation, and to avoid any unintended consequences, staff collected surveys from all state agencies and local governments regarding current practices of collecting social security numbers. A wealth of data was received.

In response to the data collected, it was recommended that the approach recently adopted by Florida and North Carolina be adopted. The existing legislation would need to be amended to limit an agency to request the social security number when (i) it is required by state or federal law, or (ii) when it is imperative for the performance of the agency's duties and responsibilities as prescribed by law. This amendment should limit the collection of social security numbers, but also help to avoid any unintended consequences of impairing an agency's ability to complete its core functions. A second technical amendment was also recommended to clarify existing federal law regarding the collection of social security numbers. The members of

JCOTS voted to recommend these changes to the 2010 Session of the General Assembly. A copy of the draft legislation is available on the JCOTS website.

- **Update on electronic meetings research**
 - **Staff**

In response to questions raised at an executive committee meeting earlier this year, staff provided some basic information regarding the requirements for the conduct of electronic public meetings. A copy of the handout is available on the JCOTS website.

- **Public comment:** Members of the public are invited to express their views about the Commission and its work.

No public comment was received.

- **Adjournment.**

