VITAL RECORDS IMPROVEMENT FUND ADVISORY COMMITTEE

To The New Hampshire Department of State

-MINUTES-

Thursday
May 18, 2006

Approved Minutes

-MINUTES-

Vital Records Improvement Fund Advisory Committee
Meeting

May 18, 2006

Health & Human Services Building
29 Hazen Drive
Concord, New Hampshire 03301

COMMITTEE MEMBERS PRESENT:

Joseph Gray, Rochester City Clerk, City Clerk Appointment
Jill Hadaway, Bow Town Clerk, Town Clerk Appointment
William R. Bolton, Jr., State Registrar
David Kruger, Public Member Appointment
Judy Gaouette, Dover City Clerk, City Clerk Appointment
David Pollard, Funeral Director Appointment
Doug Hall, Vital Records User, DHHS Appointment
Dr. Frank Mevers, State Archivist Appointment
Kimberly Johnson, Henniker Town Clerk, Town Clerk Appointment
Peter Croteau, OIT, OIT Appointment
Dr. David Laflamme, Maternal & Child Health, DHHS Appointment

COMMITTEE MEMBERS EXCUSED:

David Scanlan, Deputy Secretary of State, SOS Appointment
Debbie Augustine, NH Hospital Association
Thomas A. Andrew, MD, Physician Appointment
Bob Lambert, Peterborough Town Clerk, Town Clerk Appointment

GUESTS:

Melanie A. Orman, Vital Records, SOS
Barbara Kostka, Vital Records, SOS
Douglas Teschner, SOS
Jackie Goonan, OIT
Steve Wurtz, Vital Records, SOS
Chris Bentzler, OIT
Bruce McColley of CyberNet Security, LLC

Approved Minutes

Vital Records Improvement Fund Advisory Committee Meeting

1.   **Approval of Minutes:**

Mr. Gray called the meeting to order. The committee voted to accept the minutes as written by a unanimous vote. Dr. Mevers pointed out an extra "each" on the second page and asked that it be removed.

2.   **New Member Introduction:**

Mr. Bolton asked if he could first introduce the newest member of the committee, Dr. David Laflamme a Maternal and Child Health Epidemiologist from DHHS. He explained that Dr. Laflamme was replacing Mr. Chalsma on the committee. Mr. Bolton also pointed out that DHHS Commissioner Stephen had reappointed Mr. Hall to the committee for another term. Mr. Gray suggested that all those in attendance introduce themselves to Dr. Laflamme.

3.   **Wild Blue Satellite:**

Mr. Wurtz reported that since the last committee meeting they had been able to chase down some additional information and actually Mr. Bentzler had been really coordinating the efforts and he would explain his role. Mr. Wurtz reminded the committee that one of the major issues at the previous meeting concerned controlling the cost of the installation. Working through the New Hampshire Co-op, nineteen of the towns are pretty much assured a $300 per location installation cost, at least until the installers go out and see what they are up against. The cost of $300. per location is what the co-op seems to be willing to do for us. Mr. Bentzler has contacted eleven of the outstanding communities.

Mr. Bentzler reported that he had contacted the New Hampshire Electric Cooperative as they have been providing WildBlue satellite to customers. In his discussions with them he listed all the towns we have that are not hooked up because they have no access. He provided them with a list of approximately 32 towns and they came back with an offer to provide the service to all the towns regardless of whether they were in the co-op or not. What Mr. Bentzler has been doing is ensuring that he, Mr. Bolton, Mr. Wurtz and the New Hampshire Electric Co-op all remain on the same page.

Mr. Bentzler had also discussed with the towns the requirement that only vital records business could be done on the satellite hook up if they expected the state to pay their monthly service fees. Some of the towns have decided to go ahead and get it for their whole town rather than limit it to the town clerk's office. Another benefit that the co-op has provided is a way to handle invoicing and billing to the state on one central billing process as opposed to having multiple bills. Mr. Bentzler stated that he was trying to get as much information out to the towns as possible.

Mr. Bolton added that the committee might remember that he had discussed his dealings with corporate officials from WildBlue at the last meeting and that they had quoted him a business solution price of $800. for installation and a $10. charge in addition to the monthly cost for each site. Ms. Hadaway asked if there was still one town that did not

want to participate in NHVRIN. Mr. Bolton replied that there were actually two towns and he felt that one town (Roxbury) might budge, but Bath would not. Mr. Bentzler added that the person from Sullivan did not seem very receptive to bringing it into their town.

Mr. Kruger asked if this expense was paid for out of the Vital Records Improvement Fund. Mr. Bolton replied that it was as long as it was only used for vital records. In the case of Lempster the state was prepared to pick up the cost, but then they decided that they wanted broadband for the whole town and they are now paying for their own service. Mr. Kruger asked if the committee needed to take any action to pay for these other towns or had it already done that. Mr. Bolton replied that they had already approved the expenditure and by keeping the costs lower than expected he felt they were "doing the committee proud."

Mr. Kruger asked what the initial estimates had been. Mr. Bolton replied that they had initially planned on spending $600 per install. Mr. Gray asked if the state was putting any restrictions on users like they do with clerks regarding allowing other city/town offices to piggyback by way of a router. Mr. Bentzler replied that if the city or town elects to do something like that it would revert to their being responsible for their own service. Mr. Bolton added that the equipment would prevent that from happening without our knowing about it. Mr. Bentzler agreed that the router would limit the number of IP addresses that could be connected and base it upon a MAC address.

Mr. Kruger suggested that the committee not discourage towns from reimbursing the fund. Mr. Wurtz replied that what they have been telling the towns is, "we will pay for the install and get you up and running. If the rest of the town decides they want to go on they can take over the monthly expense and do so." He added that of the eleven towns Mr. Bentzler has contacted only five of them want to use it exclusively for vital records registration. The other six see the value and wanted to make it available for all their town offices so they elected to provide the services themselves.

Mr. Kruger stated that he felt that this was a service to all the cities and towns and wanted to see it continue. Mr. Wurtz informed the committee that Mr. Bentzler had worked really hard on this project and he thought things would move pretty quickly from here on out. Mr. Bolton mentioned that there is legislation pending that would help underwrite rural broadband provision. It is probably still several years away, but it might reimburse some of the expense of providing broadband to some of the affected towns.

A committee member asked if there was a target date to have everyone up and running. Mr. Bentzler replied that it would vary according to when installers can schedule time to go to the towns, but he felt it would happen very rapidly. The spring and summer season is a good time to do the installation especially in the areas we are focusing on. He also felt that the co-op was anxious to move on the project as it means business for them.

4.   **Staffing Update:**

Mr. Bolton reported that he found out that morning before the meeting that the two data entry positions the committee approved had been put "on hold." Mr. Gray asked who had put the positions on hold. Ms. Hadaway asked if Mr. Bolton knew why. He replied that he had not had a chance to speak with Mr. Scanlan or Secretary Gardner. When he

spoke with the SOS human resource staff she claimed that she was not given a reason, just that they were on hold for now.

Mr. Gray stated that he would be contacting the SOS the following Monday regarding the matter as those data entry positions were really very important to the future of vital records. Especially considering some of the federal regulations and guidelines coming out. Mr. Hall asked if there was anything this committee could do collectively to assist Mr. Gray in getting the positions filled.

Mr. Gray felt that a letter could be drafted on behalf of the committee stating that this committee anxiously supported the creation of these positions and it believes they are vital to the future revenue of city & town clerks and the division. It is the goal of the whole business plan to make all the records available throughout the state. Mr. Wurtz added that this plan was put in place back in 1998 and it would be a big loss if these positions were not allowed.

Mr. Hall asked if the funds were available. The committee responded that they were. Mr. Hall stated that if it was not a question of funds, at the very least the committee was owed an explanation as to why the positions were being placed on hold. Mr. Gray agreed and suggested he could draft a letter and get it approved by members. Mr. Bolton suggested that Ms. Orman use some of the previous discussion to put together a letter for the committee. Ms. Hadaway asked if the committee could vote as a body to demonstrate who would be willing to put their name to the letter.

Mr. Gray agreed and put forward a motion to allow the hiring of the two previously agreed upon positions. He stated that the committee originally asked for three positions and he would ultimately like to see it go back to the original three positions. The motion was to hire three people. Mr. Hall asked if a request could be included in the letter that an explanation be given as to why the positions would not be filled. He stated that there may well be a good explanation that he might even agree with it if he knew what the reasoning was behind the decision. Without an explanation he found it awkward.

Mr. Gray agreed to add that language to the document and Mr. Hall made the motion to request that the original three positions be filled or an explanation be given as to why not. Mr. Bolton recused himself from the vote and Dr. Mevers stated that he would abstain from the vote. All other committee members voted in favor of the motion to ask that the original three positions requested be filled and if not an explanation be given.

5.   **NHVRIN Update:**

Ms. Goonan distributed a handout to the committee. She explained that it was a report on what the Office of Information Technology (OIT) development team had done since the last meeting. The first section of the report addressed Change Requests (CRs). That is the vehicle they use to measure all the work they do. There were 117 open change requests. A record 54 CRs had been added since the beginning of the year. Ms. Goonan reported that they (OIT) were able to complete 40 CRs as of that day.

Ms. Goonan reported that there was a release in April of an updated version of NHVRIN. It was a small release but she felt it was an important one. There was a screen in fee transactions that was not working properly that is now fixed. They plan another release for June 6, 2006, which she felt would be important for the town clerks. It will allow

town clerks that support ancillary towns to access those ancillary town records without having to use an additional login. They have had to have multiple user names/logins to access the data for those other towns.

With the new release the clerk's main account will allow them access to those towns they are responsible for with no additional effort. She explained that this change had taken a fair amount of restructuring the way NHVRIN was originally written. They also fixed several NHVRIN reports that are primarily used by the business office. In July they have a very important set of reports being released. It is a revamped version of the daily receipt reports.

It will give a very detailed breakdown of fee transactions on a daily basis. It also ties the DCN number to the transaction so there will be a complete daily report on every transaction. It will show monies collected and how that money is divided among accounts such as VRIF, General Fund and what portion goes to the town. It should help the local clerk to reconcile their daily receipts and cash drawer.

They will also be correcting some things in the birth module that are not currently working properly. When a birth occurs outside a facility there is no way currently to capture the facility that the baby is eventually taken to and they plan to correct that with the next release. Another important change for city and town clerks is HB1487. It goes into effect July 4, 2006 and they have had to modify the marriage module to do away with the three-day waiting period.

Another item in the marriage module that they plan to correct is the expiration date. When a marriage intention is filed in a leap year or spans a daylight saving time change the expiration date does not currently calculate properly. For the October release they plan to create a way to enter out-of-state events. As it operates now the system does not handle those records properly. Ms. Goonan stated that this change is important, as many people want this data. Mr. Hall asked what percentage of records were out of state. Ms. Goonan referred that question to Mr. Bolton or Mr. Wurtz.

Mr. Bolton asked Dr. Laflamme if he was aware of the percentage. Dr. Laflamme replied that he believed it was somewhere around fifteen percent, but would have to look to be sure. Mr. Hall asked if it was mainly births as opposed to deaths. Mr. Bolton replied that there were also a lot of deaths. Ms. Goonan reported that the other focus for the fall would be to improve the data entry for birth and fetal death to improve the quality. The system does not currently handle the edits properly. Some of the other requests they have received are from hospitals and other state agencies. Hospitals would like their data sets and New Heights is a DHHS system they use to determine eligibility for services and they would like to have notification of births and deaths to keep their information up-to-date. They need to know when someone dies or has a baby.

Ms. Goonan asked if anyone had questions about any of the items she described. Mr. Kruger stated that he had several questions. He referred Ms. Goonan back to the list of CRs. He asked if anyone had gone back over this list to see if any of the requests were still relevant at this point. She replied that they did. Mr. Kruger asked how they set their priorities as to which items require their attention first. Did they base it on what she felt her staff could do or is it more driven by the customer? Ms. Goonan replied that all priorities are set and provided to OIT by Mr. Bolton and his staff. They do not determine

their own priorities. She added that they would sometimes advise what items would be easy to fix at the same time.

Mr. Kruger asked if there were any large jobs that were in there that would go on and on or a bunch of small jobs that could be knocked off one by one. Ms. Goonan replied that the complexity varies for each request. Some may be very simple and others more involved. Of the 117 CRs Ms. Goonan felt that there were probably twenty from the year 2004, probably another sixty from 2005, and the remaining 54 are from this year. Some of them are large and will take time and effort and others are "ODAR only", which is a modification to the database and do not require a release to be completed.

Mr. Kruger asked how users cope without some of the items they requested in 2004. He suggested that might be more of a question for Mr. Bolton. Mr. Bolton replied that there are probably some things that the clerks just live with. They may have become used to it over time and the issues those CRs address may not be the kind that pop up each time they use the system. Mr. Wurtz added that the most bothersome CRs were prioritized near the top so most have been completed. Those issues that interfered with the legal filing or issuance of vital event records were given the highest priority.

Ms. Hadaway stated that clerks do not have a list that explains what each CR is for so she/they could not comment on the outstanding requests. Mr. Gray asked Mr. Kruger if he was familiar with NHVRIN. Mr. Kruger replied that he had seen enough of it to understand how it works. Mr. Gray stated that it was a great piece of software and he did not think that those responsible for it are/were adequately thanked for it. The fact that a person can come into the office and walk out in ten minutes with their record is an accomplishment. He felt it had been planned and developed well and suggested that we are lucky to have it. Mr. Kruger replied that the CRs are just making that good job better.

Mr. Bolton added that it had come to his attention recently that changes made could have a profound impact on clerk users. The recent disabling of the "Another Transaction" button was done so OIT could make some changes as many users had difficulty using it. The clerks that did use it on a regular basis without trouble were very upset about its removal and were very vocal about it. It made Mr. Bolton think that there might be a need for clerks to have more input into the CR process. He did not know if that was something the clerk's association would be interested in or if he and his staff were going in the right direction with the development. Mr. Bolton did feel that if they did hear a lot more grumbling in the future they might need to form an oversight team or something.

Mr. Gray asked if the change requests from users were more operational or convenience related. Ms. Goonan replied that they were both. There are some things that don't function well, but they function sufficiently so business goes on as usual. Work arounds are developed and the fix is put in the queue. Ms. Goonan explained that about half the requests are enhancements that probably should have been in the software from the beginning but they had not been thought of. Mr. Wurtz stated that he wanted to follow up on what Mr. Bolton spoke of. He feels that the vital records staff has a pretty good ear for the clerks and have a handle on what it is that they want to see happen with NHVRIN.

Ms. Hadaway replied that the clerks are not known for being terribly quiet. Mr. Wurtz continued that vital records staff bring the issues to OIT, usually minus the emotion. He was not sure that a clerk needed to be on the committee. As a matter of fact he felt that a good 200 of them already are represented on the committee. Mr. Kruger stated that it

was not his intent with his question to get this committee to delve into that kind of detail. He did not feel this committee should be involved with that committee or in the approval process. He did think it was helpful since they are paying for it to understand how it gets done.

Ms. Goonan reported that the next section of the handout was dedicated to staffing. It illustrates how they are currently staffed and plans to add additional staff should they become necessary. At the time there were three full-time developers and Ms. Goonan. There is a full-time Senior Developer position open that they have been unable to fill thus far. Unfortunately, there haven't been any qualified applicants. They have been discussing a flexible staffing option with vital records and there is work in progress to provide two temporary developer positions to the team as one option and or issuing a staff augmentation RFP. What that does is establishes a contract with a vendor so we can acquire a staff person on an as needed basis. Those are things they are working on to ensure that they have the right staff to do all the work.

Ms. Goonan explained that the last section of the handout was on billing. She explained that it contained detail of the last four invoices. She had not broken out all the expenses but felt that it was pretty straight forward. Ms. Goonan felt that it showed the lion's share of the expenses. Ms. Gaouette asked why March's amount was so much higher than the other months. Ms. Goonan replied that she knew someone would ask about that. There are three factors there. They had four and three quarters full-time employees. They billed a total of 698 hours for that month. That is quite a bit more than the other months.

Ms. Goonan also pointed out that there were also two months of rent and leases billed for March. Apparently there was an error on a previous month's bill and those were not charged so they were added to this one. The Helpdesk services go back to November 2005 so that is almost 1/3 of the year on one bill. Ms. Goonan explained that she knows very little about billing and if the committee had questions she would be happy to take them back to the correct person. Mr. Bolton stated that he has been keeping an eye on the invoices and that we seem to average about $42,000 per month

6. **NHVRIN Security Assessment:**

Mr. Bruce McColley of CyberNet Security, LLC distributed a handout to the committee. He apologized for the handout, explaining that he had been unsure as to what level of technology or detail would be appropriate. He explained that he tried to summarize the issue. Mr. McColley introduced himself and informed the committee that he was a certified information systems security professional. It is an internationally recognized certification. Mr. McColley has been in the industry for approximately 30 years. The last 1/3 of that has been focused on security. He became involved with NHVRIN through NHLOGIN.

One of the things that is a characteristic of the environment is that there are threats all over the place. An area in which we should be concerned is with natural disasters. A hurricane or flood would be very difficult to deal with but need to be planned and prepared for. Mr. McColley explained that he did not think that vital records would be a first magnitude target right now but would probably be second level because of the concerns over identity theft, financial crimes, international terrorism, and international criminal activity. The next item he referred to is spam bots.

To give some perspective Mr. McColley explained that while he was waiting for the slides to print out he looked at some news headlines and one in particular caught his attention "Bot herder pleads guilty to hospital hack." Bots, robots, zombies, or pcs that through the network someone has put software on that allows them to control the pc. In this case a 20 year old in California used a malicious software to install adware on the computers.

He earned more than $100,000 in affiliate advertising income by doing this. In searching for more computers to infect, the bot software caused trouble in the system at Northwest Hospital. Operating room doors would not open, pagers did not work, computers in the intensive care unit would not operate. This was just collateral damage, a side effect. Bot software also infected more than 400 systems at the Department of Defense signal command in Manheim, Germany. They were intended just for generating ad revenue, but have become much more sophisticated and advanced.

A more extreme case several weeks ago an Israeli company that had a technology used to fight spam. There are about ten or twelve major spammers throughout the world. They had half a dozen of them agreeing to do business, but one decided to fight and they put them out of business in a matter of days with a number of attacks on them, their providers, business partners and their customers. Within a couple of hours they came under denial of service attacks. Flooded with anywhere from 2-10 gigabytes per second traffic from tens of thousands of sources they were quickly put out of business.

The phrase information warfare is not fiction. It is something that is happening out there. If you do not have the tools to monitor what is going on it can happen to you. Mr. McColley suspects that most owners of the computers involved have no idea what is happening or that they are a part of it. That is the threat environment. The nice thing with the adware right now is it is financial. The next level will be identities and it is even better when it has social security numbers or financial accounts attached. It is an important asset to be protected.

How do we respond to this kind of threat environment? One of the problems is the response is ad hoc. We patch the vulnerabilities when Microsoft or someone else finds them. Sometimes vendors aren't forthcoming about vulnerabilities. They are concerned about their reputation. Mr. McColley had read another report about another tool that was being used to mangle input at websites to see what happens. They found fifty flaws in web browsers in a couple of hours. Microsoft's response was that they were not security issues, but stability issues. It doesn't matter if the intruder got into your house because it was unstable or because it was insecure. The effect is the same.

There is a lot of concern over that so being reactive is not sufficient. That is where there is a discipline in security engineering that has evolved. The starting point is a thorough assessment of the environment/assets. Look at what might happen and follow through on results. Recommendations from an assessment will not solve all problems, but they provide a starting point. They assist with risk management, making informed decisions about where does fixing some of these issues belong on the priority list so they don't end up being there years later and following through.

The benefit of an assessment is you know where you stand. Not where you think you stand. They know because they have gone through using formal standards that have been generally reviewed and accepted as to what is important. It is a process that provides

documentation of objective, independent review. In the corporate world it is part of due diligence. Mr. McColley felt the two most important benefits of any assessment are: identifying the areas for improvement and to recognize the strengths. It also provides a baseline/benchmark to use as you go forward and make changes.

To improve and address the areas that were identified in the assessment that were in need of attention. All change requests can also be looked at in the same context of how they affect the overall security of the application.   This all fits into a larger security engineering discipline developed by the NSA. NSA is charged with security of federal systems processing sensitive and classified information. They are not responsible for systems processing non-classified information. They have developed the methodology and procedures used to safeguard information systems for the federal government.

The technology this assessment would be using is from the NSA suite. It looks at the formal process/methodology. It looks at the information involved, emphasizes formal methods and written reports and documentation, because it is all an objective process. It rests on information analysis and review, documentation, interviews, demonstrations of the system and it is structured looking at eighteen areas that they have defined as baseline categories that are critical for information security. Mr. McColley explained that those areas were outlined in the handout.

They are different for every system and operating environment. The important thing is that they all need to be looked at in order to have a comprehensive review of the status of the system. What they call the "security posture" of the system. The process by which this is done is structured into three phases. The preparatory phase is going through and identifying what is involved. That produces a formal written assessment plan. The on-site assessment involves interviews with personnel, demonstrations, review of additional documentation.

At the end of that there is an exit briefing where the preliminary assessment results are discussed. Any urgent issues are identified. It goes over the initial findings. Then there is a final written report produced that is a thorough review, documenting what the project was, what was done, what the final results were, and what the recommendations are. There are tangible deliverables from each phase of the assessment. The pre-assessment phase deliverable is a formal assessment plan that identifies the systems, scope of the project, and goes through the entire context. It starts as planning and coordination for the project and it becomes a record/history of the project activities.

The on-site assessment deliverables are the out briefing and the formal final report at the end of the assessment analysis. The time frame for this type of project is generally two to four weeks for the pre-assessment to allow for documentation review, defining and writing the assessment plan. The on-site assessment time is a little shorter and more intensive. It is generally completed in two to three weeks. The post assessment involves a lot of analysis and writing the final report. That typically runs anywhere from three to six weeks. So in total the assessment process generally runs about three months.

It all depends on the scope and the scale of the assessment. Mr. McColley directed the committee to his credentials listed on the handout and explained that he was certified through a training course run by the NSA. Certified Information Systems Security Professional is a designation.   It is kind of the gold standard for security.   It is administered by the International Information System Security Certification Consortium.

What is means is that it is a group of professionals that have agreed upon the definition of ten areas of knowledge that are essential for the fully competent and full range of security concerns.

The test for certification was three hours long and Mr. McColley explained that it was the first test he had ever walked out of with no idea how he had done. When he received the results in an envelope addressed to "Bruce McColley, CISSP" he decided he did not even have to open it. He obtained his certification in 1999, but has been working in the field for a number of years prior to that. One of the requirements to becoming certified is at least three years practical experience in the security field. He explained that having worked in local New Hampshire government he had an awareness and sympathy with what is involved in serving the public.

Mr. McColley wrapped up by explaining to the committee that he believed this sort of undertaking is part of due diligence and appropriate care that is important to ensure that the public is well served.. It is something he felt would be very worthwhile. He added that he had neglected to print his final slide for the handout which was the second law of thermodynamics, which says "If left to themselves things go from bad to worse." This would be a chance to ensure that things are not left to themselves. Mr. McColley asked if there were any questions and offered a follow up if necessary.

Mr. Bolton explained that he asked Mr. McColley to come to the meeting as there has been a great deal in the news about different IT structures being hit. New Hampshire .Net was down the day before and Mr. Bolton was not sure why. At the time we developed the software we put in a level of security that was standard at the time. It included two levels of authentication "SSL" and "https" website. There are also the username and password levels. The Oracle database also offers a layer of security. There are restrictions on passwords and restrictions on the number of times you can challenge Oracle before you are locked out, but that was two years ago.

Things have continued to move forward and he felt it was a good idea to have an outside person look at the application to look for weaknesses. Mr. Bolton reported that he had also spoken with Mr. Scanlan as they are going forward with HAVA and will need to ensure that it is also secure. He added that OIT is also looking at their security. Mr. McColley stated that OIT has networks and hardware to look at. His specialty is information and maintaining the security of that information. Mr. Kruger stated that the information that this committee oversees is just a small piece of the overall state data. He asked how effective this assessment could be when we must rely on such a larger piece of the puzzle.

Mr. McColley replied that is where they really look at in context of the application. Part of the importance of the assessment phase is establishing bounds. What systems are being looked at? Interactions with motor vehicle will not be relevent. Infrastructure such as the network, data processing, the architecture is what would be within scope. They would look at the architecture of the system implementation/components to define the appropriate path. The third level of testing would be penetration testing. They would have a team attempt to break into the network to prove that it is hardened sufficiently to resist such attempts.

Many people jump to the scanning and penetration testing without having even done the survey which is like asking someone to check the security of your home before you have

bothered to put in a security system. The assessment is really looking at the overall picture. What the range of concerns are. Mr. Kruger asked if Mr. McColley if he was a team of one or did he have associates. Mr. McColley replied that he does have associates that he can use if he needs them but that he generally works alone. Mr. Kruger asked how disruptive this assessment would be. Mr. McColley replied that it is manageable and would not typically draw a lot of time of any one person. It is basically a survey of existing practices. Mr. Wurtz asked if Mr. McColley if he had made this presentation to NH LOGIN.

Mr. McColley replied that he had not, but there was a conference coming up in June where he would be making a presentation. Mr. Wurtz asked if it was too early in the process to discuss where Mr. Bailey would fit into this process or Mr. Cloutier from HAVA. Mr. McColley replied that HAVA would be very similar to NHVRIN and Mr. Bailey would be a stakeholder that would need to be involved. Mr. McColley had spoken with Mr. Bailey and he had generously offered to spend about fifteen minutes speaking at the NH VLOGIN conference. Mr. Wurtz asked if there was not something similar to what Mr. McColley was discussing in OIT.

Mr. McColley replied that there was not. He explained that the perspective of one is horizontal whereas the perspective of the other was vertical. Dr. Laflamme mentioned that Mr. McColley mentioned systems being moving targets and asked how often Mr. McColley felt the assessment should be done. Mr. McColley replied that the basic guidelines are based on the importance and criticality of the particular application/information. Dr. Laflamme asked if Mr. McColley's report contain recommendations? Mr. McColley replied that it would. Once the framework is in place and there are routine maintenance releases one of the hopes is that as those are developed they will look to the work that has already been done to help ensure they make things better rather than worse.

Monitoring on a routine basis as the changes occur versus coming back and basically redoing the whole assessment. From listening to the previous NHVRIN update Mr. McColley explained that it did not sound like there were any major changes being made. Dr. Laflamme asked Mr. McColley for one more question. He stated hypothetically there is a pandemic avian flu outbreak and many individuals elect to tele-commute rather than expose themselves. He asked Mr. McColley if that kind of added congestion to the internet could be predicted/assessed. Mr. McColley replied that the primary part would be outside the scope. Performance issues could be addressed to some extent. If there was an internet meltdown this is basically what is going to happen.

Dr. Laflamme stated that Mr.McColley seemed very application focused and he wondered if they would be including a policy and procedure review. Mr. McColley replied that they would. Preparation and awareness would help in the process. Mr. Gray asked if we had suffered any attacks on NHVRIN. Ms. Goonan replied that the web servers are constantly under attack. OIT considers that a routine part of doing business. She explained that there had never been a breach of vital records data. Mr. Gray asked if there was a protocol in place in case the system is compromised. Ms. Goonan replied that they do in OIT. Mr. Gray explained that he had assumed they did but he meant vital records.

How are we going to issue records if something happens. Mr. Bolton replied that was part of the reason he had asked Mr. McColley to speak at this meeting. He felt that we

were just going along depending on OIT for infrastructure security. Mr. Gray asked how much data we were talking about. Ms. Goonan replied that she would have to get him numbers. Mr. Bolton added that a year and a half earlier he was under the impression it was about 1.5 Gigabytes. Mr. Gray asked if it would work to annually create a snapshot of the state database on DVD and only have users go onto the internet for new events not contained in their latest copy of the database.

Mr. Gray explained that if we control the environment our computers operate in no one can get into them. The main place that we are under attack is on the internet. He explained that his idea may not be the answer. He was very much in favor of a security assessment. Mr. Gray offered that the DVD idea could work in the event that our database is compromised. It would be a way to get everyone back up and running to a certain extent. Ms. Goonan replied that without going into great deal she felt that they had a really strong disaster recovery plan for NHVRIN. That is not nearly as great a concern as data being stolen and misused..

Ms. Goonan continued that this building would have to pretty much be blown up to hurt us as OIT has redundancy. The theft of data is the biggest concern. Mr. Gray stated that there are so many areas involving vital records that must deal with security issues. Mr. Hall told the committee that he could remember when DHHS had all the vital records on a WANG system and could not get anything off because they had lost all capability and the system was so old. That resulted in no vital records reports being generated for that time.

Mr. Gray asked how much the assessment would cost. Mr. McColley replied that he estimated the cost at $24,000. Mr. Gray stated that $24,000 seemed quite reasonable considering the current OIT costs. Mr. Hall asked if this type of contract did not have to go through Governor and Council and the competitive bidding process. Mr. Bolton replied that he did not think so. He felt that the SOS could draft a contract without going through the RFP process. Mr. Gray added that be was not too familiar with the state's purchasing policies and procedures but he felt that it would be appropriate to put forth a motion to expend the $24,000 on the security assessment.

Mr. Kruger felt that it might be a bit premature to put forth a motion right away. He felt that the committee needed to digest what it has heard. He felt that it was a very good presentation and an eye opener. Mr. Gray asked if the committee wanted to table the subject until the next meeting. Ms. Hadaway made a motion to table the security assessment discussion and another committee member seconded. The committee then voted unanimously to table the security discussion. Mr. Hall asked if someone could check to see if this had to go through Governor & Council. Mr. Kruger added that the legal requirements should be checked within the state of New Hampshire.

7.   **Intelligence Reform:**

The intelligence reform wording, with the exception of one particular initiative has not been made available yet. It will come out and be followed by public comment. He felt it was premature to discuss it yet. The part of intelligence reform that pertains to this committee is the creation of electronic verification of vital events. What the feds want is statewide databases from all states that they can tap into to verify identities. If they have a person standing in front of them they want to be able to verify their identity. There will be a portal to the state database so they can verify the authenticity of a birth certificate. Even though intelligence reform has not really hit the streets yet the requirement to create

this EVVE process is going forward.

The feds through homeland security are looking at trying to throw money at the states to have this in place within a year. Mr. Bolton did not think that could happen. Except for some political opposition to participating in this process we are positioned pretty well because of our electronic database that we can allow a portal to. He felt it was very doable. He would be attending a meeting three weeks from then to discuss it further. NAPHSIS is the membership organization we belong to is hosting the conference in San Diego. Mr. Bolton stated that he would probably have more to report in July at the next meeting. Mr. Gray asked what the national standing is on this, giving the feds access.

Mr. Bolton replied that this was the way to do it correctly. We would only be verifying yes or no whether the information provided was accurate. We would not be sending any confidential/personal information back. The idea is that a person will not just be able to go in and query for any records. They will need to have a business need to have this information. Mr. Gray asked if there would be any revenue from these verifications. Mr. Bolton replied that there is discussion about reimbursing states for verifications.

Mr. Bolton stated that this led right into his next item, using our database in a marketing strategy that other agencies, federal, state, or otherwise have a need to see if a record is true. They will begin paying for it. NAPHSIS is looking at a nationwide uniform cost between $.60 to $7.00. The focus seems to be around $1.00 to $1.50 as they seem to be aware it does not take much to bump up against a database and get a yes or no response. Mr. Bolton felt this would bring in a great deal of revenue. That belief is based on users such as Social Security Administration (SSA), National Center for Health Statistics (NCHS), Passport and others. Mr. Wurtz continued that what Mr. Bolton was describing was several layers of verification.

The SSA is looking for an ability to verify a document they have in hand. So if someone goes into their office with a certified copy of a document as evidence. They already have all the information. They will just be verifying with us that it is still accurate. Basically we make the revenue selling the citizen the document and then we are paid again when the SSA verifies that it is accurate. The other layers of information will have to be worked on as far as verification. Mr. Wurtz added that this is a very controlled verification.

Mr. Hall cautioned against thinking the federal government would willingly pay a lot of money over a number of years without thinking that congress should pass legislation to put an end to that. Mr. Bolton replied that Mr. Hall made a very good point and he believed that was in the back of everyone's mind. Homeland Security has money to burn so they are very willing to throw money to create this infrastructure, but then they want a return on that. Free records is not right, but coming up with a minimal cost that will not spur them into drafting legislation entitling them to free verification. The committee agreed that we should take it while we can get it.

Mr. Gray suggested signing a contract with the feds guaranteeing verification for a specified transaction amount and then when the contract expires renegotiate. Mr. Bolton replied that is what they currently do with NCHS and the SSA. NCHS buys birth and death data from us now and the SSA pays per record. Through the SSA we can request social security numbers for newborns. He reported that the SSA pays us approximately $1.50 per record. They pay approximately $2.50 per record for death records. This

allows them to shut off benefits immediately when someone dies and that saves them a lot of money. They renew the contracts every couple years.

Mr. Gray reported that he had a run in with DHHS the previous month because they did not want him to charge for a record and he did. He stated the DHHS has a budget to pay for those records and the database is expensive to maintain so they should contribute to the fund. Other departments charge us for services and we should be able to charge them as well when we provide a service. Mr. Gray added that he felt there were times and circumstances when they should be provided free of charge, but not all the time. He suggested Mr. Bolton look into billing other agencies for the vital records data they use. Ms. Hadaway asked if that billing would go into the VRIF or would it go to the state general fund.

Mr. Bolton replied that we do not have a dedicated/restricted fund. We do not have restricted revenues. The distribution of revenue is mandated legislatively. For instance, if we sell an heirloom birth certificate $10 goes to the general fund and $15 goes to VRIF. If we sell a regular birth certificate $12.00 goes to the general fund. Until that is changed legislatively the funds would be put into the general fund. Mr. Kruger stated that if DHHS gets its funding from the general fund and we charge them for the data would it make any difference. If everyone is being funded by the general fund and we are charging fees and putting it in the general fund it would not add to the fund. Mr. Gray replied that his goal was to get money back into the VRIF.

We are paying for services for not just us but for other departments and he felt we should get some of our money back. Mr. Bolton added that even though it looks like we are not building additional funds we would be billing an agency that can expend federal funds for services. They have had discussions with the New Heights people that are looking for birth and death information. They have a 90/10 mix. That is 90% federal money and 10% general fund money. If we charge $10. only $1.00 of that would come from the general fund. Mr. Hall stated that is the New Hampshire way of doing business. Mr. Wurtz asked if what Mr. Gray was proposing was vital records becoming self-sufficient. Mr. Gray replied he would like to see us become self-sufficient. We have a fund we have been unable to use and it is growing.

Meanwhile we are paying for these services, expanding our services and finding other ways to spend the money but not for the intended purpose. He added that we need to get money out there to preserve records. We need to start administering grants and stop hemorraging money out in all directions. One of the ways he felt that could be accomplished is to stop providing free services to all the state agencies that use our data. Mr. Kruger replied that he certainly did not disagree with that. He asked Mr. Bolton for an estimate of what the fund stood at on that day. Mr. Bolton replied that he had a call in for a balance and had not heard anything yet. He thought it was somewhere around 3.4 & 3.6 million. Mr. Kruger stated that this was a big target for the legislature.

8. **Divorce Records:**

Mr. Gray reported that he had been speaking with Mr. Bolton about clerks issuing divorce records. He explained that a large number of people coming in to file marriage intentions have been married previously and most of the time they do not have a copy of their previous divorce. The clerk then has to send them to the district court to get one. He felt that this option would benefit clerks in two ways. First, it would generate revenue

and it would be a new service they could offer their citizens.   He asked if the divorce module was not already up and running. Mr. Wurtz replied that vital records staff use the divorce module to issue records.

Turning that module on to all NHVRIN users is something that Ms. Goonan can assess for us, but he understood from the original build that we did in 1997/1998 there was discussion about this very issue. He believed that we could just have that module turned on for clerks. All the rules and regulations regarding access to birth, death and marriage records would apply to divorce records as well. Mr. Wurtz felt that it would be an additional source of revenue and giving the clerks the ability to provide them to customers would be helpful. Mr. Kruger asked if it was legal for clerks or vital records to issue documents that only the court can grant. Mr. Wurtz replied that they could and have the authority to do so.

Clerks using our system are an extension of vital records and that would apply to them to. In issuing these documents vital records follows all access rules despite the fact that anyone can walk into their local court and get copies of any divorce record they want. In New Hampshire the divorce record is considered public information. Mr. Kruger replied that you can get a photocopy and that is not what vital records is providing. Mr. Wurtz explained that the certified divorce document that vital records provides just speaks to the fact that the divorce took place.

None of the stipulations or details of the divorce are on the certificate. It just verifies that a judgement of divorce has been recorded. Mr. Kruger asked if we are not then in competition with the court for revenue.   Mr. Bolton replied that it had not been an issue in the past. Mr. Wurtz added that he and Mr. Bolton had spoken with the Administrative Office of the Courts and about electronic records and they have a time line for making these documents available, but our time line is pretty much just a matter of our turning on a switch. Assigning roles to the clerk that are similar to those that state employees currently use.

Ms. Hadaway mentioned that many of the courts send people to vital records because they do not have the time or manpower to pull records and copy them. Mr. Wurtz explained that is because they do not have an easy way to do it. It is very labor intensive for them to issue documents. Mr. Gray stated that some customers have a mixed history. Coming in saying I was married to this person and they have now died and my child is due social security.   They can sometimes become abusive to staff when they are frustrated. Mr. Gray wanted to ensure the committee that many of the items he brings up are purely for discussion purposes, not necessarily the route he thinks they should go.

9.   **Other Business:**

Mr. Gray reported that he had been talking with Mr. Teschner and they want to have all the vital record storage areas in the state evaluated. He gave Mr. Teschner directions to go out and get some estimates as to how much it would cost to evaluate all the clerks offices in the state. He has asked him to come back to the committee with that number in July. Ms. Gaouette asked Mr. Gray to what end. He explained that his office has a hot water pipe running through his office near where his records are kept. Keene on the other hand, has a great facility so they will probably not need any help in that area.

Some cities and towns have already been done. Mr. Gray will not be requesting one for Rochester as he already has an estimate from a professional. Many towns do not have the money to do this type of thing so the committee should do it. Mr. Kruger asked if this is more down the line of records preservation. Mr. Gray replied that yes, which is what the fund is intended for. All the old surveys would be turned over to Mr. Teschner. Mr. Teschner told the committee it had been a pleasure to sit in on the meeting. He explained that he had spent the last four years working in Africa and it was good to be back. One of the things he always talked about was citizen participation in government and it is just something we take for granted in New Hampshire. Mr. Teschner added that he had been in the legislature for twelve years.

He was new to the position of Grant Coordinator and had been spending his time trying to get up to speed on the committee and its charge. He had already met with Mr. Bolton and Mr. Gray and had been reading the appropriate RSAs. Mr. Teschner stated that he understood the urgency of this committee to get this money out to the communities as quickly as possible. He did not see any reason why that should not be happening. Mr. Teschner explained that he had questions but thought it would be a good idea to meet with a smaller group to discuss the RFP process, the evaluations and other details of the program.

In the business plan there was discussion of a 25% match so that is a question he would like to discuss. Whether there would be caps, fixed deadlines, or rolling deadlines? He added that he was very experienced with grants. For fourteen years he had been Development Director for Riverbend Community Mental Health in Concord. He wrote and reviewed grants. He did not think this would be a difficult project. His goal was to make it a user friendly program. Having written grants he was aware that there is nothing worse than a long confusing process. It was his goal to do something simple for the clerks.

Mr. Teschner agreed that the committees concern over the legislature gobbling up the fund was a legitimate one. When the money gets tight they go around with their vacuum cleaner looking for anything extra they can grab. Mr. Teschner added that both Secretary Gardner and Mr. Scanlan had communicated how frustrated members of the committee were getting over the fund growing and nothing being done with it. Mr. Kruger asked how much of the fund is currently earmarked to move the genealogy records from the vital records vault to the archives building when it is time for the move. Mr. Bolton replied that it was not much money because the move would more than likely be handled by Correctional Industries and there was another company that wanted to bid on it. He stated that the amount was $11,000.

Mr. Kruger asked if the fund would be offsetting any of the cost of the new building. Mr. Bolton replied that there was conversation in the past of the fund but that he did not want to speak to that. Mr. Kruger stated he would ask it another way. Was the fund being looked at to fund some of the renovation of the addition to the archives. Mr. Bolton replied that he believed so. Mr. Hall asked if that had any impact on the data entry positions. Mr. Bolton replied that he did not think so. Mr. Kruger agreed that he did not think the genealogical records would have any impact on that as they would not be affected by those positions. Mr. Gray stated that he did not think this fund should be looked at to help renovate or build a facility. If there was a specific piece of equipment or furniture that was needed in the new facility that would be different.

Mr. Bolton replied that there was previous discussion about shelving. Mr. Kruger explained that the point he was trying to get around to was that the committee should make it absolutely plain that we have earmarked some of the money for these kinds of things. That way you will have a defense when the legislature does come looking. Mr. Bolton replied that the money has to be encumbered. Mr. Kruger stated that he realized that but at least we would have an argument. Mr. Teschner added that in order to go forward with the grant program they need to know how much money they have available and how much is held back Mr. Bolton replied that this information is part of the public record. They did go through with a strategic plan and earmarked certain levels of funding. Mr. Hall explained that he had another meeting he had to attend. Mr. Gray asked that all members plan to attend the next meeting as it looked as if there would be a number of items to be voted on.

Mr. Kruger made a motion to adjourn and it was seconded by Ms. Gaouette. The meeting adjourned