

**Cyber Security Commission
Cyber Crime Working Group
Meeting**

September 18, 2014
Teleconference, 11:00 am until 12:00 pm

Chair:

Paul Tiao, Attorney and Partner, Hunton and Williams, LLP

Members Present:

Brian Moran, Secretary of Public Safety and Homeland Security
John Wood, CEO, Chairman of the Board, and Director, Telos Corporation

Volunteers/Advisors/Staff in Attendance:

Adam Thiel, Deputy Secretary of Public Safety and Homeland Security
Elizabeth McGrath, MITRE
Captain Kirk Marlowe, Virginia State Police
Isaac Janak, Office of Public Safety and Homeland Security
Samuel Fishel, Office of the Attorney General

Public Members Present: None.

Minutes

11:00 Opening remarks by the Chair, Paul Tiao. The Chair requested that the Work Group meet every month, alternating between teleconference and in-person meetings. Teleconferences will be conducted with the Chair speaking to Members individually, in order to be compliant with FOIA laws.

11:05 Secretary of Public Safety and Homeland Security, Brian Moran, introduced Mr. Isaac Janak to present the Commonwealth Information Sharing document. Mr. Janak provided a synopsis of the document, discussing the various entities who are currently and working towards the sharing of cyber threat and vulnerability information within the Commonwealth.

11:12 Cpt. Kirk Marlowe briefed on the current capabilities of the Virginia Fusion Center and a set of recommendations to improve capabilities for the Fusion Center with respect critical cyber resource needs. The Chair requested that members of the Work Group review the proposal and if appropriate, voice their support to the Commission.

11:20 Sam Fishel of the Attorney General's Office briefed on a number of recommended amendments to the Virginia Code. These amendments would impact §19.2-70.3, which governs procedures for obtaining electronic evidence and their admission in court and §19.2-10.2, which allows law enforcement to obtain consumer subscriber information from internet service providers (ISPs). Mr. Fishel advised that these amendments had been vetted from the perspective of the Attorney General's Office and were ready for review by the Work Group. Cpt. Marlowe briefed the Work Group on proposed legislation to amend §19.2-53, which governs what may be searched and seized in terms of electronic media.

The Work Group requested that executive summaries be sent to Secretary Moran to review their proposals further. Mr. John Wood and the Chair both agreed with the proposals and approved them. Mr. John Wood asked Cpt. Marlowe if the proposed recommendations were what was needed or if they were simply a "bandaid fix" to which Cpt. Marlowe advised that the proposed recommendations would likely not solve the problem; however, they would improve the current situation. Ms. Elizabeth McGrath, FBI, recommended that Federal programs be investigated to assist with the needs of the Commonwealth in terms of cyber capability resources. The Chair proposed that a two phased approach be taken and that any immediate proposals should note that further action would need to be taken in order to completely resolve the current situation.

11:45 The Chair outlined two immediate objectives for the group: one, for the Attorney General's Office and the State Police to provide summaries of their proposals and two, for Secretary Moran to review their proposals and advise whether he supports their current form or not. Secretary Moran commended the proposals by the Work Group and advised that the Group should not take the current fiscal climate into consideration, but to make recommendations which they believe are necessary for the good of the Commonwealth. The Chair requested the availability of the Group members and a tentative date of October 8, 2014 has been scheduled for an in person meeting in Northern Virginia. The Chair also requested that Mr. Janak and Mr. J.C. Dodson be the linkage between the Cyber Crime and Cyber Infrastructure and Commonwealth Networks Protection Working Groups as they have consistent overlaps between their respective missions. As Mr. Dodson was unable to attend the call, the Chair plans to back-brief him on the proposals and this meeting.

Minutes recorded by Isaac Janak