



Maine Information and Analysis Center Advisory Board Agenda
Lieutenant Michael Johnston
Maine State Police
Director of the Maine Information and Analysis Center
7/16/2020
2:00-3:30 PM

- Location: Attended Remotely Via Go to Meeting Application
- Meeting posted for public awareness and attendance on DPS Website and Maine State Police Website on 7/2/2020. Also forwarded to legislative council calendar and legislative committees (Judiciary and CJ&PS)
- The MIAC Advisory Board will be holding its next meeting on Thursday July 16 at 2:00 PM. Due to the current pandemic, MIAC will be holding a virtual meeting for members of the board pursuant to PL 2019, c. 617. In accordance with applicable law if you would like to participate please send your name and e-mail address to michael.p.johnston@maine.gov so the appropriate arrangements can be made to send you the invite that will allow you to attend electronically and or telephonically.
- <https://www.maine.gov/dps/msp/specialty-units/MIAC/Meeting>
- <https://www.maine.gov/dps/news/meetings.html>
- Start and end times below are an approximation

The MIAC Advisory Board Reserves the right to enter executive session pursuant to 1 §405(6) as needed.

1. 2:00-2:10 Setup on Go To Meeting for participants and attendees
Welcome and Introductions
2. 2:10-2:45 Briefing on Netsential Data Breach (Chairwoman Collins and Lt. Johnston)
3. 2:45-3:00 Next MIAC Audit
4. 3:00-3:15 Filling CIKR Vacancy for the Board



5. 3:15 General Board Discussion

6. Adjournment

Notes from Meeting

The following in substance is a summary of the meeting and should not be viewed or treated as a literal transcription.

- It is important to note that although MIAC’s Advisory Board is exempt from record keeping requirements pursuant to 1 MRS §403(6) we nonetheless maintain and publish them in the interest of transparency and clarity.

Attendees

Because this meeting was attended remotely, and attendees are not required to identify themselves it is possible there are people who attended that are not captured below.

MIAC Advisory Board Members

- Tracy Collins-Chair
- Director Andrew Sankey-Hancock County Emergency Management Agency
- Director Peter Rogers- Maine Emergency Management Agency
- Michael Feldman-Private Citizen
- Sgt. Mathew Casavant-Maine State Police
- Chief Jason Moffitt-Brewer Police Department
- Aaron Frey- Maine’s Attorney General
- SSA Greg Hughes- Supervisory Special Agent with FBI
- Major Christopher Grotton-Maine State Police
- Lt. Michael Johnson-Maine State Police

Other Attendees

- Matt Byrne-Portland Press Herald
- James Minkowsky-
- Jane Oberton-Legislature
- Christopher Babbidge- Legislature



- Samantha Ward
- Lois Reckitt- Legislature
- Kendra Coates-Assistance to Commissioner of DPS
- Charlotte Warren- Legislature
- Chris Parr-Maine State Police Staff Attorney
- DPS Commissioner Michael Sauschuck.
- Donna Bailey-Legislature
- Susan Deschanmbault-Legislature
- Janice Cooper-Legislature
- Thom Harnett-Legislature

1) Data Breach-

- a. Statement from LT. Johnston read by Tracy Collins.
- b. Lt. Johnston RE: Data breach
 - i. Active ongoing criminal investigation by FBI
 - ii. Purpose of meeting is to update board of the situation
 - iii. MIAC does not have automatic plate readers
 - iv. Lt. Johnston provided overview of Netsential
 1. What is it and how does MIAC use it?
 2. Vendor that was well established and widely used by law enforcement.
 - a. Used by MIAC since 2017.
 - b. CJIS compliant
 - c. Vendor was a victim. Clients of vendor are victims.
 3. Became aware of breach June 20th.
 - a. Immediately started making appropriate notifications
 - b. Started task team.
 - c. Went through data to identify instances notifications required.
 - d. No longer using Netsential currently.
 4. Questions
 - a. Douglas Farnham- What have we heard from counterpart agencies. General feel?
 - i. Netsential good about engaging us. Open honest and transparent about breach.
 - b. Peter Rogers- Is response standard across country?
 - i. Depends on individual states with legal requirements. Some agencies were a little slower



to act. Maine has been aggressive to get ahead of it.

- c. Andrew Sankey- Is State of Maine indemnified?
 - i. Made all required notifications. May have to dig into later.
- d. Mike Feldman- Are you looking for another vendor.
 - i. Yes. Looking for short term and long-term solutions. Not a quick process with a lot of steps.
- e. Tracy Collins
 - i. Any idea of timeframe to find vendor.
 - 1. Depends on what is out there. Not sure on timeline.
 - 2. Operations are reduced but we are still operating.
 - ii. Are we still making contacts?
 - 1. Done with making contacts with law enforcement and non-enforcement.
 - 2. Title 10 notifications should be identified in next week and formally notified.

2) MIAC Audit

- a. Lt. Johnson- Explains audit for first time attendees.
- b. Looking to audit Jan-June 2020 next. Presentation TBD. Maybe November.
- c. Tracy Collins-
 - i. Inquiry from Portland Press Herald re: audit.

Q- "I've looked over the first privacy audit that was evaluated in the December meeting. I was surprised to see almost zero substantive description of what the intelligence reports contain. Do you think the public would be better served if the checklist-style audit contained an anonymized or de-identified narrative, giving the public at least some sense of what MIAC is doing, how they do it, and what types of tips or requests they're fielding?"

 - 1. Format of audit- Do you think the public would benefit with more information.
 - a. Lt. Johnston doesn't see an issue with that. More general information – basic narrative block to provide more transparency to what MIAC does.
 - ii. Inquiry from Portland Press Herald.

Q- "How do you see the board overcoming any possible selection bias, if MIAC staff have control over determining which reports are presented



to the board at regular meetings for discussion? In other words, if there was a seriously problematic information-gathering practice or incident, what mechanism is there to prevent it from simply being left out of any future audits or presentations to the board? (This would be separate from the randomized 3% selection in the semi-regular audit.) How do you see the board overcoming selection bias if MIAC is selecting items to be presenting to the board?"

- a. Lt. Johnston- Items are randomly selected. 3%. Lt. Johnston provided ideas on how to improve that process or change perception that might exist on selection bias.
 - i. Involve board members in the audit itself ex. Including private citizen.
 - ii. In addition to randomly selected entries, board members participating in the audit also select entries to be included.
 1. Peter Rogers- Thinks good idea. Like other board processes he's involved with.
 2. Jason Moffitt- Agrees it is a good idea.
 - a. Are 3% chosen by computer software.
 - i. Johnston- Yes.

- d. Collins – Are we ready to move forward on the two changes.
 - i. Mike Feldman- Makes Motion
 - ii. VOTE-
 1. Jason Moffitt, Gregory Hughes, Chris Grotton, Mike Feldman, Andrew Sankey, Aaron Frey all in favor.

3) Board Vacancy-

- a. Critical Infostructure.
 - i. Greg Hughes suggests Maine Yankee.
 - ii. Andrew Sankey suggests MEWARN- Maine Water/ Wastewater Agency Response network.
 - iii. 14-day deadline is decided for members to send recommendations to Tracy Collins for her to compile and pass on.

4) General Board Discussion

- a. Questions from public.
 - i. Rep Warren- With the breach and subsequent pausing/cancelling of contract. How has that effected MIAC
 1. Pushing out crime/ situation bulletins. Down for a week but back up, using another means to get them out.



- i. Analytical case support has not been affected.
- ii. Lois Reckitt- What the normal cost to the State for participating to Netsential. Are we paying them while we're not using them? What the cost to make notifications due to breach.
 1. Netsential- \$3,000 a year. Too soon to Figure out what cost of breach has been.
- iii. Rep Chris Babbidge- What does that Netsential breach mean?
 1. 269 GB- Total amount of data taken from Netsential. Not all Maine data. Only a very small amount of data was from Maine.
 2. 13 agencies – Partner agencies who are working with MIAC- MEMA, BMV, FBI, Homeland security, Sheriff's. Those we work with side by side.
 3. Valid investigative request providing case number and details before fusion center engages.
 4. Always about balancing privacy needs with public safety needs.
 5. Senator Deschambault-
 - a. Portland Press article. July 12,
 - i. Referring to notification of suspects.
 1. Not true 100's of suspects needs to be notified. Advising agencies to review their records to notify if need be. Not always a legal obligation but a professional one.
 - b. Portland Press article-Germany has obtained copies of the information stolen.
 - i. Lt. Johnston isn't privy to the investigation at that level. Unable to comment.
 - iv. Charlotte Warren- About the audits that you have completed and starting again. Is there a reason why these reports being made are not given to the legislature? Folks are perceiving a lack of oversight by Maine legislature.
 1. Major Grotton- Process evolving.
 - a. So far reporting to advisory board.
 - b. Open to new ideas.
 - v. Susan Deschambault-
 1. Haven't seen a lot of audits before certain date. A lot of policy changes. With new admin. Time line of audits.
 - a. Grotton- Privacy policy needs to be updated regularly. When commissioner arrived able to review and make changes.



- i. Deschambault – who appoints people?

Authority rested with Maine State Police Colonel and MEMA Director constituted by executive order.

- b. Move to adjourn at 3:32pm.
 - i. Still open floor to questions to general Q and A.
- 1) Rep Donna Bailey- Why it doesn't seem there is a member having expertise in privacy. Who is the voice for civil liberties?
 - a. Lt. Johnston
 - i. Collins- Private attorney- legal view
 - ii. Private Citizen Role- A more basic point of view.
 - iii. Attorney General of State of Maine.
 - iv. Other members law enforcement trained in civil liberties.
 - b. Collins and Frey
 - i. Open to ways to improve.
- 2) Charlotte Warren- Trying to bridge legislature and MIAC. Is MIAC willing to work with legislature to institute some oversight.
 - a. Open to suggestions and continued discussion about ways to improve process.