



Homeland Security and Emergency Services

KATHY HOCHUL
Governor

JACKIE BRAY
Acting Commissioner

Ms. Nadine Morrell, Audit Director
Office of the State Comptroller
Division of State Government Accountability
110 State Street – 11th Floor
Albany, New York 12236

Dear Ms. Morrell:

The New York State Division of Homeland Security and Emergency Services (DHSES) has reviewed the Office of the State Comptroller's (OSC's) Final Report regarding the review and evaluation of the Cyber Incident Response Team (Report 2020-S-58). DHSES formally responded to the Draft Audit Report and provided a detailed response to the findings and recommendations contained in the report. We continue to stand by that response.

The DHSES Cyber Incident Response Team (CIRT) has responded to 100% of the incidents it has been called to address and remains proactive about messaging the importance of cybersecurity and the services it offers to its stakeholders. In short, as evidenced by the enclosed letter from the New York State Local Government Information Technology Directors Association issued in the response to Final Report 2020-S-58, the DHSES CIRT is meeting its mission and providing for the cybersecurity needs of its customers. DHSES will continue to be proactive in its outreach to local governments to ensure they are aware of its preventative cybersecurity programs and its incident response services.

Since OSC's Final Report was issued, DHSES CIRT has completed the following to ensure it continues achieving its mission:

- DHSES is working closely with state and local partners to develop the Joint Security Operations Center that was recently announced by Governor Hochul and the Mayors of New York City, Yonkers, Albany, Syracuse, Rochester, and Buffalo. This enterprise will serve as an information sharing and cybersecurity coordination hub that will ensure the State has awareness, can respond to incidents, and can share threat intelligence related to incidents that occur throughout the state.
- DHSES is working with the New York State Office of Information Technology Services and counties throughout the state to ensure that best-in-class endpoint protection and response (EDR) is available to and being used by all New York counties. EDR tools detect and protect an organization from advanced forms of malware and provide enhanced visibility into each endpoint on which it is installed, which allows for faster response time.

In response to finding 2, DHSES CIRT has initiated a policy to prioritize customers based on risk and conduct outreach to them. This outreach is executed directly with potential customers (as opposed to waiting for opportunities at conferences and training venues) to ensure they are aware of the services available to them. This outreach is memorialized but as previously noted, participation remains voluntary.

State Comptroller's Comment – While we have and continue to acknowledge the work CIRT has done, in the current environment, it is increasingly important to not only respond when an incident occurs but also be proactive to prevent incidents from occurring. We are pleased to see that the additional resources that CIRT received after the audit has enabled it to strengthen the services it provides, including taking a more proactive risk-based approach to providing outreach to potential customers. However, we maintain our position that, without specific, measurable objectives and quantifiable, attainable goals, CIRT officials cannot sufficiently evaluate the performance and effectiveness of that work toward accomplishing its mission.

DHSES has also started discussions with OSC on areas where the two agencies may partner on improving local government cybersecurity. We look forward to continuing discussion in this area for the benefit of the customer base we serve.

DHSES always seeks to continuously improve its program administration and welcomes OSC's recommendations and will implement them where appropriate and feasible.

If you have any questions regarding the Agency's response, please contact Brian D. Jackson of DHSES' Office of Internal Audit at (518) 457-5120.

Sincerely,

A handwritten signature in black ink, appearing to read 'Benjamin Voce-Gardner', with a long horizontal line extending to the right.

Benjamin Voce-Gardner
Director, Office of Counter Terrorism

cc: Commissioner Bray
Terence O'Leary
Elisha Tomko
Chris DeSain
Brian Jackson



NYSLGITDA

NEW YORK STATE LOCAL GOVERNMENT
INFORMATION TECHNOLOGY DIRECTOR'S ASSOCIATION

Jack Hess - President
Doug Camin - Vice President
Loren Cottrell - Treasurer
David Cucciarre - Secretary

November 19, 2021

Dear Deputy Comptroller Kim, Assistant Comptroller Shulman, and Audit Director Morell,

New York State Local Government Information Technology Director's Association (NYSLGITDA) has reviewed your Agency's Cyber Incident Response Team Report 2020-S-58 and would like to voice our strong support for NYS Division of Homeland Security and Emergency Services (NYSDHSES). We believe the agency is meeting its mission and this letter is to show our commitment and support for the agency.

In the report it stated the audit was "...to determine whether the Division's CIRT is achieving its mission of providing cybersecurity support to non-Executive agencies, local governments, and public authorities." As members in our statewide organization we wholeheartedly attest, they are.

Counties have worked with DHSES and the Cyber Incident Response Team (CIRT) in a number of areas related to cybersecurity. DHSES participates in our twice yearly conferences and have always asked and delivered on the question "What can we do to help?" Their work with counties and other local governments ranges from disseminating threat information, providing training, offering individual vulnerability and penetration testing for local governments, and remediating (in real time) when a breach occurs.

In addition, one of the most important roles they have assumed is taking the lead in coordination and information sharing across state agencies. This is critical in NYS because multiple agencies are charged with the mission of carrying out cybersecurity preparedness and response and therefore this statewide structure creates duplicative and uncoordinated efforts. DHSES, on their own accord, have worked with the other state agencies to create both formal and informal mechanisms for collaboration and information sharing so that burden is not placed on the local governments. This should be commended.

In reading your report one would think the audit objective was ensuring objectives, targets and metrics were defined and in use. We, in no way, mean to diminish the importance of proper metrics but it is equally important to evaluate whether or not the job is getting done. Metrics aside, mission effectiveness can be determined by interviewing the counties that have availed themselves of DHSES's services. Given the personnel limitations and the pace at which cyber threats are multiplying it's worth focusing on the larger picture.

In your office's comments to DHSES's response you emphasize the need to provide proactive support. NYSLGITDA fully endorses support for DHSES as the vehicle for providing this support. Your report also states that OSC "...fully comprehends the current threat trends and the importance of proactive support." This is a powerful statement. Cyber security is an ever changing environment that even the most experienced cyber experts wrestle with every day. In my 40+ years in leading IT in government and the private sector, your office would be the first to "fully" understand current threat trends - even the most seasoned professionals in cyber security would not make such a bold claim.

Speaking as a local consumer of DHSES's services they are one of perhaps a half dozen state agencies that provide meaningful help to local governments. Your report undervalues what they accomplish and overemphasizes their procedural deficiencies. I would point out that DHSES was designated, several years ago, by the entire NYSLGITDA membership, as the central and first point of contact for all cyber incidents. This was at a time when local governments were getting duplicative orders and direction from a range of agencies. It is because their leadership, capabilities, and expertise in cybersecurity that NYSLGITDA members continue to look to DHSES first.

Moreover, Benjamin Voce-Gardener and Christopher DeSain and their staff have provided invaluable services to the local governments of New York State and they have done so with the authority and resources available. It is our hope, that at an executive level in NYS, we establish formal state laws that give DHSES the sole authority to govern cybersecurity and then fund them adequately and appropriately to carry out this work.

We, NYSLGITDA, believe all state and local agencies should be supporting DHSES as their efforts have already made our state much more secure.

I would be happy to discuss any of the points made in this letter, please feel free to reach out to me at any time (jhess@cortland-co.org or (607) 753-5042).

Best regards,

Jack Hess
President, NYSLGITDA on behalf of the Board and Members
Director, Information Technology Cortland County