



OFFICE OF THE ATTORNEY GENERAL

Adam Paul Laxalt, *Attorney General*

100 North Carson Street
Carson City, NV 89701
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TECHNOLOGICAL CRIME ADVISORY BOARD

March 31, 2016 – 10:00 a.m.

Video Conferenced Between:

Attorney General's Office
Mock Courtroom
100 N. Carson Street
Carson City Nevada

Sawyer Building, Room 3315
555 E. Washington Avenue
Las Vegas, Nevada

AGENDA

1. Call to Order and Roll Call.
2. Attorney General's Welcome and self-introduction of members.
3. Public Comment. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.
4. Discussion for possible action on approval of December 10, 2015 meeting minutes. (See Attachment One (1) – Draft Meeting Minutes.)
5. Discussion for possible action to appoint Patricia D. Cafferata as Executive Director. NRS 205A.070. (See Attachment Two (2) – Resume of Patricia D. Cafferata.)
6. Patricia Cafferata's Report.
 - a. The Governor appointed two new members to the Board, Henderson Chief of Police Patrick Moers and banker Greg Weger.
 - b. Privacy Subcommittee membership. (See Attachment Three (3) – Detailed Explanation of Agenda Item and Memorandum and relevant pages of the September 5, 2013 minutes creating the subcommittee.)
 - c. Outreach to Clark and Washoe sheriffs for information on their agencies' activities in this area.
7. Discussion for possible action on the committee's legislative duties, per NRS 205A.060. Suggested plans for how the Board will fulfill its duties to:
 - a. Facilitate cooperation with state, local and federal officers in detecting and prosecuting technological crimes.
 - b. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes. (Dennis Carry, Washoe County and Brett Zimmerman, LVMPD)

- c. Coordinate and provide training and education of members of the general public, private industry and governmental agencies concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes. (Brian Spellacy; Jim Owens; Sgt. Bryon Gray, LVMPD; and Sgt. Roger Palmer, LVMPD)
 - d. Assist the Division of Enterprise Information Technology Services (EITS) in securing governmental information systems against illegal intrusion and other criminal activities. (Shannon Rahmig)
 - e. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques. Discussion for possible action in amending Chapter NRS 205A. (See Attachment Four (4) – Detailed Explanation of Agenda Item and NRS 205A.) (Jeff Segal, Chief, Criminal Justice Division and Sgt. Roger Palmer)
8. Discussion for possible action on the Privacy Subcommittee (See Attachment Four (4) – Memorandum and relevant pages of the September 5, 2013 minutes creating the subcommittee.)
 9. Public Comment. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.
 10. Discussion for possible action on adjournment.
 11. Adjournment.

Please Note: The Technological Crime Advisory Board may 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate physically handicapped persons who wish to attend this meeting. Please contact Patricia D. Cafferata, Advisory Board Executive Director, at (775) 684-1136 or pcafferata@ag.nv.gov in advance, so that arrangements can be made.

In accordance with NRS 241.020, this agenda was posted on or before March 25, 2016 online at: http://ag.nv.gov/About/Administration/Tech_Crime/2015_Mtgs/Tech_Crime_Meetings_2015/

and at the following locations:

- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5450 Kietzke Lane, Suite 202, Reno, NV 89511
- Office of the Attorney General, Grant Sawyer Building, 555 E. Washington Ave., Las Vegas, NV 89101
- Legislative Building, 401 N. Carson Street, Carson City, NV 89701
- Capitol Building, 101 N. Carson Street, Carson City, NV 89701

Meeting materials may be requested from Patricia D. Cafferata, Advisory Board Executive Director, at (775) 684-1136 or pcafferata@ag.nv.gov, and obtained from the Office of the Attorney General at any of the first three (3) locations listed above.

Attachment One (1)

to

Technological Crime Advisory Board Agenda

March 31, 2016

Contents: Minutes of December 10, 2015 Meeting



OFFICE OF THE ATTORNEY GENERAL

Adam Paul Laxalt, *Attorney General*

100 North Carson Street
 Carson City, NV 89701
 Telephone - (775) 684-1100
 Fax - (775) 684-1108
 Web - <http://ag.nv.gov>

MEETING MINUTES

Name of Organization: Technological Crime Advisory Board

Date and Time of Meeting: December 10, 2015 – 9:00 am

Place of Meeting: Video Conferenced Between:

Attorney General's Office
 Executive Conference Room
 100 N. Carson Street
 Carson City Nevada

Sawyer Building, Room 3315
 555 E. Washington Avenue
 Las Vegas, Nevada

Attendees:

Las Vegas:	Carson City:
<u>Members:</u> Adam Laxalt, Attorney General Patricia Cafferata, Executive Director Hal Berghel Dennis Cobb Edgar Flores Jim Owens Brian Spellacy <u>Guests:</u> Rod Swanson Daniel Westmeyer	<u>Members:</u> "Tray" Abney Shannon Rahming <u>Guests:</u> Elizabeth "Liz" Greb Ira Victor

- 1. Call to Order and Roll Call:**
 Meeting called to order at approximately 9:00am.
- 2. Public Comment. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action:**
 No public comment.
- 3. Attorney General Adam Laxalt's Welcome. Self-introduction of members:**
 Attorney General Adam Laxalt introduced himself. Attendees introduced themselves and explained how they are beneficial to this committee.
- 4. Discussion for possible action on approval of June 5, 2014 meeting minutes:**
 AG Laxalt asked for approval of meeting minutes from June 5, 2014. Owens made the motion. Berghel seconded the motion and the meeting minutes were approved as written.

5. Executive Director Patricia Cafferata's Report:

Executive Director Patricia Cafferata reported on her activities as the new Executive Director of the Board.

6. Discussion for possible action to elect a chair and vice chair for a six month term, ending on June 30, 2016. New elections will take place before the end of June, 2016. A full one year term begins on July 1, 2016. NRS 205A.040.4. Traditionally, the Attorney General has been elected chair, and one of the legislative members has been elected as vice chair:

AG Laxalt asked for a motion to elect a chair and vice chair for the committee. AG Laxalt was proposed as the chair and Assemblyman Flores as the vice chair. Berghel made a motion and Owens seconded that motion and the motion passed unanimously.

7. Discussion for possible action on applying for grants to fund the Board's activities. NRS 205A.100. Presentation by Liz Greb, Grants Management Analyst, Office of the Attorney General:

Currently, the committee is funded from the Attorney General's general fund budget. Grants Management Analyst Liz Greb explained that the committee could apply for grants to help with funding the committee's programs, per NRS 205A.100. She suggested looking for grants to fund areas of crime that use electronic devices, such as, internet soliciting or activities using computers, cell phones or other electronic devices. Greb estimated there may be between \$100,000 and \$300,000 available for grants where technology was used in crimes against children and human trafficking. Grants could be used for training or to purchase equipment, and are available for both legal and law enforcement purposes. Both Berghel and Spellacy mentioned that training resources may also be available for free from different agencies.

8. Discussion for possible action on the Board's plans on how to fulfill its required duties set forth in NRS 205A.60:

AG Laxalt read the following five bullet points of the committee's legislative duties, per NRS 205A.60.

- a. Facilitate cooperation with state, local and federal officers in detecting and prosecuting technological crimes.
- b. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas. (Washoe County Sheriff's Office Internet Crimes Against Children (ICAC) Task Force and Las Vegas Metro Police Department ICAC Task Force.)
- c. Coordinate and provide training and education of members of the general public, private industry and governmental agencies concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.
- d. Assist the Division of Enterprise Information Technology Services (EITS) in securing governmental information systems against illegal intrusion and other criminal activities.

- e. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

Discussion with regard to bullet point c, Victor mentioned that there may be possible ethical issues with attorneys not understanding the difference between paper and digital information for criminal and civil issues.

Spellacy stated his agency, US Secret Service, meets with the casinos to see what technological crimes have been occurring. He also mentioned he could send information about the trends in scams/activities.

Owens suggested education programs for the general public to learn how to prevent crimes of this nature.

Cobb suggested the committee consider monthly press releases to inform the public about ongoing cyber threats.

Assemblyman Edgar Flores mentioned that the non-English speaking community is often lacking information, and outreach to this community would be important.

Cafferata suggested the use of social media, such as Twitter, Facebook, and the Attorney General's website could be used to release information about scams and frequently occurring crimes.

Victor brought attention to the fact that businesses, not just consumers, are also victims of cybercrime.

In regards to bullet point d, the members discussed that there may be grant opportunities to help with securing government information systems against crime.

In regards to bullet point e, AG Laxalt suggested that he could use his bills to help push changes to existing civil and criminal law relating to technological crimes through the legislature. He also asked Flores if he could use one of his bills to make changes to the law.

9. Discussion for possible action on the continuance of or changes to the Technological Crimes Advisory Board Subcommittee on Privacy:

AG Laxalt brought up a discussion on whether the Subcommittee on Privacy was needed. He suggested that goals be accomplished through the main committee and that the subcommittee was not needed. Berghel stated he is the head of the subcommittee and that the members have extensive backgrounds and are experts on the subject of privacy. He believes the committee is beneficial and would like to keep it. Cobb is also on the subcommittee. AG Laxalt suggested the subcommittee make a presentation at the next meeting on the importance of keeping the subcommittee. Presentation shall be included as part of the agenda for the next meeting.

10. **Discussion for possible action on setting the 2016 quarterly meeting schedule:**
AG Laxalt suggests setting the quarterly meeting schedule per NRS 205.050.1. Meetings shall be quarterly: March, June, September and December. The date for the upcoming March meeting will be decided soon. The upcoming agenda will focus on the five duties of the committee (as addressed in the five bullet points on the agenda item number 8 above) and include the discussion on the subcommittee on privacy and other topics the members want to discuss. AG Laxalt directed members to send any agenda items to be discussed at the next meeting to Cafferata.
11. **Public Comment. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action:**
Letter from James R. Elste, dated December 7, 2015 submitted for public comment. (See Attachment One (1).) No further public comment.
12. **Discussion for possible action on adjournment:**
Meeting adjourned around 10:15am.

Minutes respectfully submitted by Lacey Austin and Janice Riherd, Office of the Nevada Attorney General.

In accordance with NRS 241.020, this agenda was posted on or before December 7, 2015 online at [http://ag.nv.gov/About/Administration/Tech Crime Meetings/](http://ag.nv.gov/About/Administration/Tech_Crime_Meetings/) and at the following locations:

- Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5450 Kietzke Lane, Suite 202, Reno, NV 89511
- Office of the Attorney General, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, NV 89101
- Legislative Building, 401 N. Carson Street, Carson City, NV 89701
- Capitol Building, 101 N. Carson Street, Carson City, NV 89701

Attachment One (1)

to

Technological Crime Advisory Board Minutes

Meeting Date:

December 10, 2015

December 7, 2015

Patricia D. Cafferata, Esq.
Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701

Dear Ms. Cafferata:

I am a member of the Technological Crimes Advisory Board (TCAB) Privacy Subcommittee, and I would like to request the inclusion of this letter in the public record for the next meeting of the TCAB on December 10, 2015. I am unable to attend the meeting, as I am a professor of Information Systems at the University of Nevada, Reno, and I have to deliver a final exam in computer applications. I would hate to disappoint my students, who I am confident are looking forward to the exam.

Over the course of the last eight years, I have supported the work of the TCAB in a variety of capacities. In 2007, as Chief Information Security Officer for the State of Nevada I served on the TCAB as the representative for the then Department of Information Technology (currently EITS). I had the distinct privilege of nominating Attorney General Cortez-Masto to serve as the chair of the TCAB. On multiple occasions I have presented to the TCAB, providing the board with subject-matter expertise on complex cybersecurity issues, such as Stuxnet. Finally, since its inception and over the course of the last two years I have served as a member of the TCAB Privacy Subcommittee.

I am writing the board with the intent of highlighting the accomplishments and challenges of the subcommittee, and the value of the privacy subcommittee to the TCAB.

The Technological Privacy Subcommittee was created with the unanimous approval of the board on September 5, 2013. Since then, the subcommittee, whose members include both accomplished legal and technical professionals, has met regularly and earnestly pursued the mandate of the TCAB. Over this time, we have explored a variety of issues that are widely recognized as the most pressing issues in privacy and technological crime.

The most notable result is the set of recommendations provided by the subcommittee to the TCAB in the June 5, 2014 TCAB meeting. I believe it was these recommendations, and in particular, the scope of the problems addressed that has led the board to question the value of the privacy subcommittee. In essence, "what does privacy have to do with technological crime?" or as Sen. Ford stated "I wondered the same thing, whether this was in the purview of the Technological Crime Committee."

As a subject-matter expert, I can assure you that cybersecurity, privacy and technological crime are inextricably intertwined and share a complex legal and technical environment. These are some of the most significant issues in our digital age and require thoughtful, but urgent action from policy-makers, law enforcement, industry and the citizens of Nevada. In particular, the shifting landscape of civil liberties and privacy informs, in part, a wide variety of technological crimes that involve violations of individual privacy. International, Federal, and State laws related to privacy are evolving and will dramatically influence the requirements for protecting personal information, and will directly affect the ability of law enforcement to prosecute technological crime.

The board's creation of the privacy subcommittee demonstrated both a recognition of the challenges and a desire to support the work of the TCAB by providing a group of subject-matter experts to focus on these issues. The subcommittee has three mandates: 1.) make recommendations to the Nevada Attorney General and the TCAB, 2.) monitor changes in international, Federal, and State policy and legislation regarding technological privacy protections, and 3.) serve an advisory function to the Attorney General and TCAB regarding the protection of personal privacy in Nevada.

I would like to highlight one particular accomplishment of the privacy subcommittee, as an example of the value we were able to provide during the last legislative session. In the 2015 legislative session, NRS603a, Nevada's breach disclosure law, was amended and the definition of "personal information (PI)" was modified. This fundamental definition of what is PI is critical to understanding what does or does not constitute a security breach that requires disclosure under Nevada law. Modifying the definition of PI was discussed on multiple occasions in the privacy subcommittee.

As a result, when Assemblyman Edgar Flores approached Ira Victor, another member of the privacy subcommittee, and myself, we were well positioned to support his legislative efforts. We provided subject-matter expertise on PI, we provided examples of potential language that would effectively support his objectives for an amended definition of PI, and provided testimony in support of the bill, which was ultimately passed. With powerful constituencies arguing for extreme changes or resisting changes, we were able to provide the support and guidance necessary to achieve an acceptable compromise. Without our support, it is unlikely that effective, compromise language would have been found, and the bill would likely have failed to pass.

This is no small accomplishment. Nevada now has one of the nation's most comprehensive definition of Personal Information. Nevada remains one of the three states consistently cited as examples of good privacy laws, the others being California and Massachusetts.

While this provides an example of the extent to which the members of the committee are willing to go in support of good cybersecurity and privacy legislation, it is certainly above and beyond the literal scope of the privacy committee's mandate. However, it does highlight the potential value of a group of subject-matter experts can provide to the TCAB, Attorney General, and members of the Legislature.

This also highlights one of the key disconnects with the TCAB. While the mandate for the subcommittee does include considerations for making recommendations to the TCAB, I believe that we erred in making that the primary focus of the privacy subcommittee. While it is important to advocate for good cybersecurity and privacy legislation, I believe that it is the advisory nature of the subcommittee that is of greatest value.

To that end, I believe that we should not have provided so many recommendations to the TCAB that were so far reaching and represented positions of advocacy. For example, amending the Nevada Constitution, although noble in intent, was clearly an example of extreme advocacy.

For the privacy subcommittee to provide value to the TCAB, we must focus on the advisory function and work to inform the TCAB regarding these issues, and in all respects maintain a certain objectivity in our deliberations. A focus on the advisory function will allow the TCAB to maximize the advantage of the group to subject-matter experts we have assembled, provide a synthesis of the dynamic, evolving issues in privacy, and continue to support the work of the TCAB.

It is with the upmost respect for the work of the TCAB that I urge the board to support the continuation of the privacy subcommittee. I am confident that the TCAB will benefit from the access to subject-matter expertise, and that with a refocused effort on the advisory function, the privacy committee can make a meaningful contribution to the TCAB.

We are all aware of the seriousness of cybercrime. We are also all aware of the importance of privacy in a free society. At the intersection of these two issues we will find some of the most significant, complex challenges of our age. I hope you will support the continued efforts of the privacy subcommittee and of the members of the subcommittee, who are dedicated to supporting the Technological Crimes Advisory Board.

Thank you in advance for your time and consideration.

Respectfully submitted,



James R. Elste

Attachment Two (2)

to

Technological Crime Advisory Board Agenda

March 31, 2016

Contents:

1. Resume of Patricia D. Cafferata

Patricia D. Cafferata, Esq.
100 N. Carson Street
Carson City, Nevada 89701-4717
775-684-1136
775-600-5690 cell
Pcafferata@ag.nv.gov

EDUCATION

Southwestern School of Law – California – J.D., 1989
Lewis and Clark College – Oregon – B.A., 1963
Mills College – California – 1958-1961

EMPLOYMENT

Special Assistant Attorney General to Attorney General Laxalt, present-
Communications Director, Nevada Attorney General Adam Laxalt, 2015
Hearing Officer, Nevada Personnel Dept., (part-time) and private practice, 2010– 2014
Executive Director, Nevada Commission on Ethics, 2007-2009
Jenkins Law Office, of Counsel, 2005-2007
Judicial Law Clerk, Second Judicial District Court, Dept. 4, 2003-2004
Private civil practice, 2003
District Attorney, Esmeralda County (Chief Legal Adviser/Prosecutor) 2000-2003&2010
Staff Attorney, Washoe Legal Services, 1999
Private civil practice, 1996-1999
District Attorney, Lander County (Chief Legal Adviser/Prosecutor), 1995-1996
Private civil practice, 1991-1994
District Attorney, Lincoln County (Chief Legal Adviser/Prosecutor), 1992
Criminal Deputy District Attorney, Eureka County, 1991
Judicial Law Clerk, Ninth Judicial District Court, Dept. 1, 1989-1990
Nevada State Treasurer, 1983-1987
Assemblywoman, State of Nevada, District 25, 1981-1982
Office Manager, H. Treat Cafferata, M.D., Reno, 1973-1980
Bookkeeper and travel agent, Welcome Aboard Travel, Reno, 1971-1972
Employment counselor, Taylor and Rossi, San Francisco, 1969-1970
Director of Instruction, Evelyn Woods Reading Dynamics, Oakland, 1966-1969
Instructor, Evelyn Woods Reading Dynamics, Oakland, 1964-1966
First Grade School Teacher, Portland, 1963-1964

MEMBERSHIPS

Nevada Equal Rights Commission, Former Chair
Nevada Lawyer, Former Chair of the Editorial Board
State Bar of Nevada, member
U. S. District Court, member
Washoe County Bar Association, member

Attachment Three (3)

to

Technological Crime Advisory Board Agenda

March 31, 2016

Contents:

1. Agenda Item Six (6)(b) Explanation Page.
2. September 5, 2013 Memorandum.
3. Relevant Pages of September 5, 2013 Minutes.

Attachment Three (3):

**Technological Crime Advisory Board
March 31, 2016 Meeting
Agenda Item Six (6)(b)**

Explanation:

Dennis Cobb, a board member did not reapply to the Governor for appointment to the board, and Hal Berghel recently resigned from the board. Since they are no longer board members, they cannot be its representative to the subcommittee. The Memorandum creating the subcommittee requires two current board members to be on the subcommittee. The Memorandum also limits the subcommittee to six members and there are currently seven members on the subcommittee. The members of the subcommittee as of June 29, 2015 are: Hal Berghel, Stephen Bates, Dennis Cobb, James Earl, James Elste, Allen Lichtenstein, and Ira Victor. The relevant pages of the Board's September 5, 2013 minutes are also attached.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY SMITH
Chief of Staff

MEMORANDUM

DATE: September 5, 2013

TO: Technological Crime Advisory Board

FROM: Belinda Suwe, Interim Executive Director
Hal Berghel, Professor, UNLV, Member Technological Crime Advisory Board

SUBJECT: Draft proposal for Nevada Technological Privacy Subcommittee, a Subcommittee of the Technological Crimes Advisory Board

Nevada Technological Privacy Advisory Board

Background and Overview:

Nevada has an opportunity to take a leadership role in privacy advocacy in personal privacy. It is one of a very few states that enacted a law recommending companies that transfer customer personal information outside of a secure system to use encryption (2009 SB228; amending NRS603a). The recent wave of revelations about federal and business surveillance of personal information in the past few years, makes this an ideal time to ensure that the Attorney General and State leadership is aware of the risks to citizens and other statutory remedies that may be relevant to Nevada.

Board Defined - e.g., NRS 205A.020..... This board will be advisory to the Nevada Attorney General and Technological Crime Advisory Board on matters relating to the privacy rights and expectations of Nevada residents.

“Privacy” defined: Privacy is defined in aggregate as characteristics or information that seeks to identify individuals within a group. Privacy rights refer to the rights of individuals residing in Nevada to retain custody and control of information about themselves from intrusion by individuals, corporations, and government agencies that is not specifically allowed by law as it relates to technology.

Mission Statement: The purpose of this Board is to focus on relevant technological privacy issues, privacy crime, and the protection of personally identifiable information in Nevada. This Board will (a) make recommendations to the Nevada Attorney General and Technological Crime Advisory Board, (b) monitor changes in international, Federal, and State policy and legislation regarding technological privacy protections, and (c) serve an advisory function to the Attorney General and Technological Crime Advisory regarding the protection of personal privacy in Nevada including, but not limited to, medical data, financial information, location information, and communications as they relate to technology.

Membership: This subcommittee will consist of six (6) members who will serve a term of five years (staggered) having expertise in technological privacy issues, privacy litigation, and privacy advocacy. At least two (2) of the subcommittee members must also be current members of the Technological Crime Advisory Board. The chair of the subcommittee must be a member of the Technological Crime Advisory Board.

Meetings: The meetings of the advisory board will be held quarterly. Preferably, the meetings will be held immediately prior to or immediately following the meetings of the Technological Crime Advisory Board.

AG CORTEZ MASTO:

Dr. Berghel, are you also interested?

DR. BERGHEL:

Yes, Madam Chair.

AG CORTEZ MASTO:

I would suggest that because it's new and because we are talking about what we're trying to create and the direction that we want to go that at least one of our board members serves as the chair of the subcommittee. Just to kick it off and make sure it's meeting regularly, following open meeting laws, and staying on mission with respect to our goals here.

Ms. SUWE:

I agree. This is Dr. Berghel's idea, so I imagine him being the chair at least to begin with.

AG CORTEZ:

So, Hal and Dennis and if anyone else is interested, please let us know. Right now, we need to at least vote to create the subcommittee. Is that correct Henna?

Ms. RASUL:

Yes, that is correct.

AG CORTEZ MASTO:

At this time with respect to the subcommittee, I'd entertain a motion to create the technical privacy subcommittee of the technological crime advisory board. This particular subcommittee is going to be focused to provide relevant advisement on privacy issues, privacy crime, and the protection of personally identifiable information in Nevada. Their mission will be to (1) make recommendations to the Nevada Attorney General and Technological Crime Advisory Board (2) to monitor changes in international, federal, and state policy and legislation regarding technical privacy protections and (3) serve an advisory function to the Nevada Attorney General and Technological Crime Advisory Board regarding the protection of personal privacy as it relates to technology in Nevada including, but not limited to, medical data, financial information, location information, and communication.

Motion to create the technical privacy subcommittee to the technological crime advisory board was made by Mr. Uffelson and seconded by Dennis Cobb.

The motion to create the technical privacy subcommittee to the technological crime advisory board was unanimously approved.

AG CORTEZ MASTO:

Great, Henna, is there anything else we need to vote on?

Ms. RASUL:

No, Attorney General. The selection of members for the subcommittee is an administrative task that can be accomplished by the executive director.

AG CORTEZ MASTO:

Let's give a time frame in which to identify those interested in serving as members.

Ms. SUWE:

Hal and I had discussed people we know that would be good members of the board. I hadn't thought of a way to reach out to members of the public.

SENATOR FORD:

I would like some time to think of a constituent that I may want to suggest as a subcommittee member.

AG CORTEZ MASTO:

That's a great idea, and Assemblywoman, you would have the opportunity to identify someone you would like to sit on the subcommittee as well. If you do have someone in mind, please let the executive director know.

Ms. SUWE:

The minutes will be posted within 30 days. Interested members of the public can contact me at bsuwe@ag.nv.gov by November 5, 2012 indicating their interest in sitting on the subcommittee. Additionally Senator Ford and Assemblywoman Bustamonte Adams please get me your recommendations as well. If we do not receive enough interest, Hal and I can work together to fill in the remaining spots.

AG CORTEZ MASTO:

We'll also open it up to the board for any suggestions of board members.

MR. UFFELMAN:

The ACLU will likely have an interest in this subcommittee and have someone that they would like to suggest. At the same time we don't want to make it seem that the privacy board is so private that we designate everyone on the board.

MR. BERGHEL:

I would like to add that when we post the notice, we need to mention that we are looking for people that have expertise in privacy issues, privacy litigation, and privacy advocacy. For the subcommittee to be maximally effective, we need to draw upon skill sets that have to do with privacy.

Ms. SUWE:

If any of you have other recommendations, like the ACLU, that you would like to reach out to, please let me know, and I am happy to do that.

AG CORTEZ MASTO:

Great, Belinda, Hal, Dennis and I will work together on this to try and at least get the committee members established before our next meeting of the Technological Crime Advisory Board and hopefully have the first meeting of the subcommittee.

Ms. SUWE:

Yes madam chair. I think it would be appropriate for us to create a list of members and present it to the board at the next meeting so that the board knows of the subcommittee makeup before the subcommittee's first meeting. The subcommittee could then meet immediately following the technological crime advisory board meeting.

AG. CORTEZ MASTO:

Ok, I think that's a great idea.

Agenda Item 8 – Resignation of Belinda Suwe, Executive Director

Ms. SUWE:

I have accepted a position as a Deputy Attorney General with the Nevada Department of Environmental Protection. I thank you for the opportunity I've had to work with each of you in this position. It has been a pleasure.

AG Cortez Masto:

Thank you, Belinda. I know that we had a difficult time filling this position, but I have some thoughts for how we will proceed with filling this position and we will have an emergency telephonic meeting in the near future with that as the agenda item.

Attachment Four (4)

to

Technological Crime Advisory Board Agenda

March 31, 2016

Contents:

1. Agenda Item Eight (8) Explanation Page.
2. NRS Chapter 205A – Technological Crime Advisory Board

Attachment Four (4):

**Technological Crime Advisory Board
March 31, 2016 Meeting
Agenda Item Eight (8)**

Explanation:

Because the number of members is not in compliance with the Memorandum's requirements, the Attorney General must appoint a new board member to the subcommittee. Since the number of members is more than allowed, a decision needs to be made about the members. When the subcommittee was set up, minutes of the September 5, 2016 meeting reflect that the Attorney General appointed the Chair and another board member to the subcommittee. The minutes reflect that the other appointments to the subcommittee were determined to be an administrative duty left to the Executive Director and she would ask for applicants and make the determination of who the four other members of the subcommittee would be.

[Rev. 11/21/2013 10:06:09 AM--2013]

CHAPTER 205A - TECHNOLOGICAL CRIME ADVISORY BOARD

NRS 205A.010	Definitions.
NRS 205A.020	“Board” defined.
NRS 205A.030	“Technological crime” defined.
NRS 205A.040	Creation; membership; terms of members; election of Chair and Vice Chair; vacancies; members serve without compensation; members holding public office or employed by governmental entity.
NRS 205A.050	Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.
NRS 205A.060	General duties of Board.
NRS 205A.070	Executive Director: Appointment; Board to establish qualifications, powers and duties.
NRS 205A.080	Appointment of full-time administrative assistant.
NRS 205A.090	Account for the Technological Crime Advisory Board: Creation; use; distribution of money in Account as result of certain criminal or civil forfeitures.
NRS 205A.100	Gifts, grants, appropriations or donations; deposit of money in designated Account.

NRS 205A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 205A.020](#) and [205A.030](#) have the meanings ascribed to them in those sections.

(Added to NRS by [1999, 2700](#))

NRS 205A.020 “Board” defined. “Board” means the Technological Crime Advisory Board created pursuant to [NRS 205A.040](#).

(Added to NRS by [1999, 2700](#); A [2007, 206](#))

NRS 205A.030 “Technological crime” defined. “Technological crime” means the commission of, attempt to commit or conspiracy to commit any crime that involves, directly or indirectly, any component, device, equipment, system or network that, alone or in conjunction with any other component, device, equipment, system or network, is designed or has the capability to:

1. Be programmed; or
2. Generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound in a technological format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic, magnetic or optical technology.

(Added to NRS by [1999, 2701](#); A [2007, 206](#))

NRS 205A.040 Creation; membership; terms of members; election of Chair and Vice Chair; vacancies; members serve without compensation; members holding public office or employed by governmental entity.

1. The Technological Crime Advisory Board is hereby created.
2. The Board consists of 13 members as follows:
 - (a) The Attorney General.
 - (b) The Administrator of the Division of Enterprise Information Technology Services.
 - (c) One member of the Senate appointed by the Majority Leader of the Senate.
 - (d) One member of the Assembly appointed by the Speaker of the Assembly.
 - (e) Nine other persons appointed by the Governor as follows:
 - (1) Two or more persons who represent major sectors of the economy of this State that are impacted significantly by technological crimes.
 - (2) One or more persons who are employees of a law enforcement agency of this State.
 - (3) One or more persons who are employees of a public educational institution within this State.
 - (4) One or more persons who are residents of this State and who are employed by the Federal Government.

3. Each member of the Board who is appointed to the Board serves for a term of 4 years. A vacancy on the Board in an appointed position must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chair and Vice Chair by majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Board shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.

5. The members of the Board:

- (a) Serve without compensation; and
- (b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Board.

6. A member of the Board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board to make up the time the officer or employee is absent from work to carry out duties as a member of the Board or use annual vacation or compensatory time for the absence.

(Added to NRS by [1999, 2701](#); A [2007, 206](#))

NRS 205A.050 Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.

1. The Board shall meet at least once every quarter and at the times and places specified by a call of the Chair or a majority of the members of the Board.

2. Except as otherwise provided in subsection 3, a member of the Board may designate in writing a person to represent him or her at a meeting of the Board if it is impractical for the member of the Board to attend the meeting. A representative who has been so designated:
- Shall be deemed to be a member of the Board for the purpose of determining a quorum at the meeting; and
 - May vote on any matter that is voted on by the regular members of the Board at the meeting.
3. The Attorney General may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place. The Administrator of the Division of Enterprise Information Technology Services may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place.
4. Seven members of the Board constitute a quorum. Except as otherwise provided in [NRS 205A.070](#) and [205A.080](#), a quorum may exercise all the power and authority conferred on the Board.
5. Notwithstanding any other provision of law, a member of the Board:
- Is not disqualified from public employment or holding a public office because of membership on the Board; and
 - Does not forfeit public office or public employment because of membership on the Board.
- (Added to NRS by [1999, 2702](#); A [2007, 207](#))

NRS 205A.060 General duties of Board. The Board shall:

- Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.
 - Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes.
 - Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.
 - Assist the Division of Enterprise Information Technology Services in securing governmental information systems against illegal intrusions and other criminal activities.
 - Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.
 - Distribute money deposited pursuant to [NRS 179.1233](#) into the Account for the Technological Crime Advisory Board in accordance with the provisions of [NRS 205A.090](#).
 - Authorize the payment of expenses incurred by the Board in carrying out its duties pursuant to this chapter.
- (Added to NRS by [1999, 2702](#); A [2007, 207](#))

NRS 205A.070 Executive Director: Appointment; Board to establish qualifications, powers and duties.

- Upon approval by a majority of the members of the Board, the Board shall appoint an Executive Director of Technological Crime within the Office of the Attorney General.
 - The Executive Director is in the unclassified service of the State and serves at the pleasure of the Board.
 - The Board shall establish the qualifications, powers and duties of the Executive Director.
- (Added to NRS by [1999, 2703](#); A [2007, 208](#); [2013, 824](#))

NRS 205A.080 Appointment of full-time administrative assistant. Upon approval by two-thirds of the members of the Board, the Board shall appoint a full-time administrative assistant who is in the unclassified service of the State, serves at the pleasure of the Board and reports to the Executive Director.

(Added to NRS by [1999, 2703](#); A [2007, 208](#))

NRS 205A.090 Account for the Technological Crime Advisory Board: Creation; use; distribution of money in Account as result of certain criminal or civil forfeitures.

- The Account for the Technological Crime Advisory Board is hereby created in the State General Fund. The Board shall administer the Account.
 - The money in the Account must only be used to carry out the provisions of this chapter and pay the expenses incurred by the Board in the discharge of its duties, including, without limitation, the payment of any expenses related to the creation and subsequent activities of the task forces on technological crime.
 - For each criminal or civil forfeiture carried out pursuant to [NRS 179.1211](#) to [179.1235](#), inclusive, the Board shall distribute the money deposited into the Account pursuant to [NRS 179.1233](#) in the following manner:
 - Not less than 25 percent to be retained in the Account for use by the Board to carry out the provisions of this chapter and to pay the expenses incurred by the Board in the discharge of its duties.
 - Not more than 75 percent to be distributed to the federal, state and local law enforcement agencies that participated in the investigation of the unlawful act giving rise to the criminal or civil forfeiture in accordance with the level of participation of each law enforcement agency as determined by the Board. If the participating law enforcement agencies have entered into an agreement to share any such money, the Board shall distribute the money to the law enforcement agencies in accordance with the provisions of the agreement.
 - Claims against the Account must be paid as other claims against the State are paid.
 - The money in the Account that is provided from sources other than the State General Fund or the State Highway Fund must remain in the Account and must not revert to the State General Fund at the end of any fiscal year. Money in the Account that is appropriated or allocated from the State General Fund or the State Highway Fund must revert as provided in the legislation that authorizes the appropriation or the allocation.
- (Added to NRS by [1999, 2703](#); A [2007, 208](#), [1713](#))

NRS 205A.100 Gifts, grants, appropriations or donations; deposit of money in designated Account.

- The Board may apply for any available grants and accept gifts, grants, appropriations or donations from any public or private source to assist the Board in carrying out its duties pursuant to the provisions of this chapter.
 - Any money received by the Board must be deposited in the Account for the Technological Crime Advisory Board created pursuant to [NRS 205A.090](#).
- (Added to NRS by [1999, 2703](#); A [2007, 209](#))