

Memorandum

To: Michael Nicolaidis, Chief Information Officer
Department of Public Instructions (DPI)

From: J. Eric Boyette, State Chief Information Officer
North Carolina Department of Information Technology

Subject: Notice of Non-Compliance with State Statues - N.C.G.S. §§143B Procurement of Information Technology and Privacy and Security Best Practices

Date: October 09, 2018

On October 8th, 2018, the Department of Information Technology (DIT) received a hotline complaint through the State Auditor's hotline concerning the use of the ncsuperintendent.com website. The complaint identified issues related to misuse of the site for political purposes. DIT was not made aware of the purchase or deployment of this site and after further review, identified that that process taken by the Department of Public Instructions (DPI), to launch this site, violated the following State laws:

State Statues

§ 143B-1322. State CIO duties; Departmental personnel and administration.

(c) Administration. - The Department shall be managed under the administration of the State CIO. The State CIO shall have the following powers and duty to do all of the following:

(14) **Set technical standards for information technology, review and approve information technology projects and budgets, establish information technology security standards, provide for the procurement of information technology resources, and develop a schedule for the replacement or modification of information technology systems.**

§ 143B-1340. Project management.

(b) Project Review and Approval. - **The State CIO shall review, approve, and monitor all information technology projects for State agencies** and shall be responsible for the efficient and timely management of all information technology projects for participating agencies. Project approval may be granted upon the State CIO's determination that (i) the project conforms to project management procedures and policies, (ii) the project does not duplicate a capability already existing in the State, (iii) the project conforms to procurement rules and policies, and (iv) sufficient funds are available.

(c) Project Implementation. - **No State agency, unless expressly exempt within this Article, shall proceed with an information technology project until the State CIO**

approves the project. If a project is not approved, the State CIO shall specify in writing to the agency the grounds for denying the approval. The State CIO shall provide this information to the agency and the Office of State Budget and Management within five business days of the denial.

§ 143B-1350. Procurement of information technology.

(a) **The State CIO is responsible for establishing policies and procedures for information technology procurement for State agencies.**

(c) The Department shall, subject to the provisions of this Part, do all of the following with respect to State information technology procurement:

- (1) **Purchase or contract for all information technology for participating State agencies.**
- (2) **Approve all technology purchases for separate agencies.**

§ 143B-1361. Information technology procurement policy; reporting requirements.

(c) Reporting. - **Every State agency that makes a direct purchase of information technology using the services of the Department shall report directly to the Department of Administration all information required by G.S. 143-48(b).**

§ 143B-1372. Statewide electronic web presence; annual report.

(a) The Department shall plan, develop, implement, and operate a statewide electronic web presence, to include mobile, in order to (i) increase the convenience of members of the public in conducting online transactions with, and obtaining information from, State government and (ii) facilitate the public's interactions and communications with government agencies. **The State CIO shall have approval authority over all agency Web site funding, to include any agency contract decisions.**

§ 143B-1376. Statewide security standards.

(b) The State CIO shall establish standards for the management and safeguarding of all State data held by State agencies and private entities and shall develop and implement a process to monitor and ensure adherence to the established standards. The State CIO shall establish and enforce standards for the protection of State data. The State CIO shall develop and maintain an inventory of where State data is stored. For data maintained by non-State entities, the State CIO shall document the reasons for the use of the non-State entity and certify, in writing, that the use of the non-State entity is the best course of action. The State CIO shall ensure that State data held by non-State entities is properly protected and is held in facilities that meet State security standards.

(c) Before a State agency can contract for the storage, maintenance, or use of State data by a private vendor, the agency shall obtain the approval of the State CIO. (2015-241, s. 7A.2(b).)

Privacy and Security Best Practices

A cursory review of the ncsuperintendent.com site indicated the following deficiencies:

- Missing Privacy Statement
- Missing Terms of Use
- Website does not meet Section 508 – website accessibility disability requirements
- Missing Copyright information

The point of contact (POC) for this correspondence is the State Risk/Security Officer, Maria Thompson, maria.s.thompson@nc.gov (919) 754-6578.