

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

One Ashburton Place, Room 2133

Boston, Massachusetts 02108

Tel: (617) 727-7775

TTY Tel: (617) 727-6618

Fax: (617) 727-4764

www.mass.gov/eops

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

MEMORANDUM

TO: Staff in EOPSS
All Undersecretaries
Sandra McCroom, Executive Director, OGR
Keith O'Brien, Director of Research and Policy Analysis Division, OGR
Amanda, Botelho, OGR

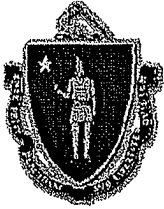
FROM: Kevin M. Burke, Secretary
Executive Office of Public Safety and Security *KMB*

DATE: September 8, 2008

RE: The Establishment of EOPSS Privacy Working Group (PWG)

Attached are two memos regarding the establishment of a Privacy Working Group. The first memo outlines the duties and functions of this important effort. The second provides bios for the confirmed members. THE PWG will also include designees from CHSB and MSP. Jane Gabriel, Deputy General Counsel, will serve as the coordinator for the PWG.

I am looking forward to our work with them.



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Memorandum Establishing the Privacy Working Group of the Secretary of Public Safety and Security

TO: All Agency Heads
Undersecretaries, EOPSS

FROM: Kevin M. Burke, Secretary of Public Safety and Security

RE: The Establishment of the Privacy Working Group of the Secretary of Public Safety and Security

DATE: August 7, 2008

This memorandum directs the establishment of the Privacy Working Group ("PWG") of the Secretary of Public Safety and Security ("Secretary") and delineates the mission, organization, procedures, and functions of the PWG.

The mission of the PWG is to advise the Secretary upon his request and to develop recommendations for the Secretary relating to programmatic, technological, and policy issues within EOPSS as they relate to information security, individual privacy, data integrity, and other privacy related matters.

The PWG will serve in an advisory capacity to the Secretary when consulted with respect to the following objectives:

- To provide advice on electronic data systems used by the Executive Office of Public Safety and Security and its agencies (collectively, "EOPSS") in order to enhance privacy protocols in use by EOPSS;
- To evaluate the conditions and policies in place designed to protect the collection, use, dissemination, and storage of information by EOPSS, focusing on the following principles for review: legal compliance, purpose specification, collection limitation, use limitation, data quality and integrity, openness of data management practices with the public and media, extent of affected individuals' participation and access to information and its use, security safeguards, and accountability;
- To ensure privacy and civil liberties policies are current and functional regarding protection of personal information and issues of data quality, balanced against intelligence and information-sharing goals;
- To ensure the security and privacy of EOPSS's data and information systems and critical infrastructure assets, i.e., networks, web sites, and computer based systems;

- To ensure the privacy and confidentiality of citizen information used by EOPSS in the conduct of its business;
- To make recommendations to the Secretary regarding security and privacy, and how to promote implementation of those decisions, policies, and standards within EOPSS;
- To identify resource needs to achieve effective implementation of security and privacy mechanisms, and to make recommendations to the Secretary for obtaining these resources;
- To ensure the collection, storage, and use of such information conforms to all federal and state privacy statutes;
- To ensure the monitoring of the use of data between EOPSS systems and between EOPSS systems and other state, local, and federal systems;
- Considering the above objectives while still protecting the sources and methods used to acquire intelligence information and ensuring public safety, public security, and law enforcement objectives.

The following relates the specifics of the PWG and its function:

Duties: The PWG will be responsive to specific assignments and requests from the Secretary, and may, in furtherance of these assignments, conduct studies and inquiries with individuals and groups in the private sector and/or other governmental entities while maintaining the necessary confidentiality of EOPSS and its operations.

Duration: The PWG shall be continuing at the discretion of the Secretary.

Official to Whom the PWG Reports: The PWG reports to the Secretary through the Coordinator, who shall be appointed by the Secretary.

Structure and Support Service: The Coordinator shall convene meetings, guide operations and assignments, maintain records of the PWG meetings and activities, and provide updates to the Secretary. The Coordinator shall manage the PWG and provide such clerical, administrative, and logistical support as necessary for the PWG to efficiently conduct its business. The Coordinator shall ensure the PWG complies with the requirements of its mission and remains within the parameters of its duties and authority as defined by the Secretary.

Membership: Members shall be appointed by the Secretary. Membership shall be balanced among individuals from the following related areas of expertise: law enforcement, criminal intelligence, privacy and civil liberties, technology, data/information management, and any other matters related to the specific mandate of the PWG.

Term of Appointment: Each member shall serve at the discretion of the Secretary.

Appointment of Officers: The Secretary or his designee shall chair the PWG. The Chairperson serves as the presiding officer of the PWG, leads the meetings, and guides its efforts to the effective completion of its assigned tasks. The Chairperson shall adhere to the guidelines and directives of this memorandum and such other operating procedures the PWG may adopt, maintain order, and conduct each meeting in accordance with the prescribed rules and procedures.

Subgroups: Subgroups may be established as ad-hoc working groups with the approval of the Coordinator. The Chairperson may designate members from either the PWG or the public to serve on the subgroups. The subgroup Chairperson shall be a member of the PWG. Subgroups may be terminated by the consensus of the PWG or by the direction of the Chairperson.

Chairperson Duties and Responsibilities: The Chairperson shall develop agenda items in consultation with the Coordinator; preside over PWG meetings; arrange time, place and facilities for the PWG meetings; notify members of meetings and agenda items.

PWG Organization and Operation: The Chairperson, together with the Coordinator, shall develop procedures for calling meetings; establishing a quorum; voting, raising, adopting or rejecting proposals; establishing subgroups; dealing with Classified and Sensitive Security Information; and such other administrative activities as may be necessary to effectively and efficiently carry out the PWG's mission and objectives.

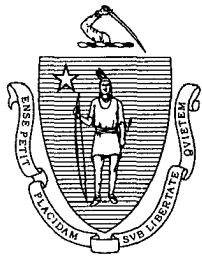
Conflict of Interest: PWG shall excuse themselves from participation on issues that are, or could, represent a conflict of interest.

PWG Functions: The PWG functions shall include advice and coordination. As requested by the Secretary, the Chairperson shall prepare written opinions, policy recommendations, guidance and similar documents that reflect the determination of the PWG on substantive issues. The Secretary may adopt, reject, or modify recommendations proposed by the PWG.

Compensation for Members: PWG members shall serve without compensation.

Operating Costs: Operating costs shall be borne by EOPSS.

Modifications: The Secretary may reexamine, modify and revise the guidelines and objectives set forth in this memorandum at any time.



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Governor

Mary Elizabeth Heffernan
Secretary

Timothy P. Murray
Lieutenant Governor

Privacy Working Group Members
May 13, 2010

Membership: The PWG will be comprised of the following members. The Secretary or his designee shall chair the PWG.

Peter Lefkowitz

Vice President, Chief Privacy Officer

Oracle Corporation

Phone: 781-744-0000

Email: peter.lefkowitz@oracle.com

Peter M. Lefkowitz is Vice President and Chief Privacy Officer for Oracle Corporation. Oracle is a company that helps customers manage their business systems and information with reliable, secure, and integrated technologies. Mr. Lefkowitz works closely with Oracle's corporate security and information technology organizations on company security policy and practice standards, and advises Oracle's executive management, services businesses, marketing human resources and compliance organizations on information protection requirements. Previously, Mr. Lefkowitz was team leader for Oracle's U.S. commercial licensing legal group and advised senior management of Oracle Support Services.

Mr. Lefkowitz is a founding co-chair of the Boston Bar Association's Privacy Law Committee, and has worked with the BBA's executive leadership and the Massachusetts legislature on proposed technical amendments to Chapter 93H. He is a member of the Center for Information Privacy Leadership and the Global Privacy Alliance. Mr. Lefkowitz's speaking engagements on privacy and information security practice and policy include the 2008 ABA Business Section Annual Meeting, PLI and the IAPP National Summit.

Mr. Lefkowitz received his undergraduate degree from Yale University and his law degree from Harvard Law School. He clerked for the Honorable Robert E. Coyle, Chief Judge of the United States District Court for the Eastern District of California.

Laura DeBonis

Affiliate, Berkman Center for Internet & Society
Harvard University

Phone:

Email:

Laura DeBonis is currently an Affiliate at Harvard's Berkman Center for Internet and Society, heading up the Internet Safety Technical Task Force's Technical Advisory Board, which serves the key function of assessing the range of technology tools that may be used to promote children's online safety. She has recently left Google where she worked for 6 years on a variety of products and projects. Most recently, she was the Director for Library Partnerships for Google Book Search. She also worked on the launch teams for AdSense Online and Froogle as well as managed global operations in the early days of Book Search. Prior to Google, she worked at Organic Online, consulting for a variety of companies on their web strategies and design. Before attending graduate school, Laura Debonis spent a number of years working in documentary film, video and interactive multimedia, creating content for PBS, cable channels, and museums.

Ms. DeBonis is a graduate of Harvard College and has an MBA from Harvard Business School.

Ingrid Martin

Attorney

Dwyer & Collora

Phone: 617-371-1000

Email: imartin@dwyercollora.com

Ingrid Martin is an attorney at Dwyer & Collora and concentrates her practice on criminal defense, government investigations, and business litigation. She has experience representing clients in a variety of business litigation cases including insurance, trade secret, contract, and environmental clean-up matters/ She has also assisted clients with investigations by the United States Attorney's Office, the Securities and Exchange Commission, the National Association of Securities Dealers, the Massachusetts District Attorney's Office and the Massachusetts Department of Environmental Protection.

Ms. Martin has been involved in litigation and criminal law for over six years. Prior to joining Dwyer & Collora, LLP, in 2007, she worked at Clements & Clements, LLP and she served as an Assistant Attorney General in the Massachusetts Attorney General's Corruption, Fraud & Computer Crime Division.

Ms. Martin received her undergraduate degree from Yale in 1992 and her law degree from Harvard Law School in 2001.

Brian Levine

Associate Professor, Department of Computer Science

UMass Amherst

Phone: 413-577-0238

Email: brian@cs.umass.edu

Brian Levine joined the UMass Computer Science faculty in Fall 1999. He is an Associate Professor and director of the NSA Center for Academic Excellence in Information Assurance at UMass. He was the Keynote speaker at the 2006 Workshop on Networking in Public Transport. He is also an associate editor of

IEEE/ACM Transactions on Networking and was co-chair of ACM NOSSDAV 2006. He was a UMass Lilly Teaching Fellow in 2003 and was awarded his college's Outstanding Teaching Award in 2007. He received an NSF CAREER award in 2002. He has spent many summers working in industry: Intel Research Lab (Cambridge, UK), Sprint Advanced Technology Lab (San Francisco), INRIA Sophia-Antipolis (France), Bell Labs (New Jersey), and Sun Labs (Mountain View).

Main research topics include: The Forensics and Privacy research group, which works on the limits of Internet anonymity and privacy. The goal has been to find the true characteristics of private or anonymous communication on the Internet. His research also focuses on mobile networks, security, and the Internet, and he has published more than 50 papers on these topics.

He received his Master's and PhD in Computer Engineering from the University of California, Santa Cruz in 1996 and 1999, respectively. He received his B.S. in Applied Mathematics & Computer Science from the State University of New York at Albany in 1994.

Lieutenant Colonel Stephen G. Matthews

Division Commander

Division of Investigative Services

Massachusetts State Police

Phone: 508-820-2350

Email: Steve.Matthews@pol.state.ma.us

Lieutenant Colonel Stephen G. Matthews is the Division Commander of the Massachusetts State Police Division of Investigative Services. The Division is comprised of thirty-one investigative Units with five hundred seventy-eight sworn and one hundred seventy-six civilian personnel. Sections within the Division include: Homicide Units, Narcotics Units, Organized Crime Unit, the MA State Police Crime Laboratory, the Commonwealth Fusion Center and the Joint Terrorism Task Force. Priorities for the Division include establishing and maintaining relationships with local, State and Federal law enforcement partners to coordinate and achieve common goals of suppressing crime, prosecuting violent offenders and maintaining vigilance in homeland security responsibilities.

Lieutenant Colonel Stephen G. Matthews began his law enforcement career with the Massachusetts State Police twenty-seven years ago. LTC Matthews' previous Massachusetts State Police assignments include the Division of Field Services, Commanding the State Police Narcotics Detective Unit assigned to the office of the Middlesex County District Attorney as well commanding the Detective Unit assigned to the Office of the Massachusetts Attorney General. Lieutenant Colonel Matthews' has been commanding the Division of Investigative Services since August of 2006.

Lieutenant Colonel Matthews received his Bachelor's Degree from Curry College and a Master's of Arts in Criminal Justice from Anna Maria College. He is also a graduate of the FBI National Academy, attended the Kennedy School of Government and completed the FBI Leadership in Counter Terrorism international training program.

John Grossman

Undersecretary for Forensic Sciences, Commonwealth of Massachusetts

Phone: 617-727-7775

Email: John.Grossman@state.ma.us

Mr. Grossman has served as the Undersecretary for Forensic Science and Technology, within Massachusetts Governor Deval Patrick's Executive Office of Public Safety and Security ("EOPSS") since September 2007. In that role, Mr. Grossman is responsible for providing strategic leadership to the State Crime Lab, the Office of the Chief Medical Examiner, the Criminal Justice Information System, the Massachusetts 911 Department, and the witness protection program. Additionally, he has been charged with leading the Governor's CORI reform efforts and supervising the development and implementation of a Secretariat-wide information technology and information sharing strategy.

Prior to joining EOPSS, Mr. Grossman served for 12 years in the Office of the Massachusetts Attorney General, leaving the office as the Deputy Chief of the Criminal Bureau. Among his accomplishments at the Attorney General's Office were leading the in-house team investigating the fatal collapse of a Big Dig tunnel. This investigation led to the recovery of over \$450 million and a manslaughter indictment. Mr. Grossman also established the office's High Tech and Computer Crimes Division in 1999 and later founded the Corruption, Fraud and Computer Crime Division, an integrated team of lawyers and investigators focused on "corporate community prosecution"; high priority consumer protection cases including fiduciary embezzlement and internet crimes; and public corruption cases, whether they involved officials betraying the public trust or companies and individuals stealing from the government.

Before joining the A.G.'s Office, Mr. Grossman was a litigation associate at the New York City law firm of Debevoise & Plimpton and a law clerk to Judge Bailey Aldrich of the First Circuit Court of Appeals. He is a *summa cum laude* graduate of Boston University School of Law.

Mr. Grossman serves on the Board of Directors and Finance and Governance Committees of Search for Common Ground, a Washington D.C. based international NGO focused on conflict transformation. He has also served as the President of Infragard – Boston and as a member of the Commonwealth's Enterprise Security Board.

Paul Connelly

Assistant Secretary for Homeland Security, Commonwealth of Massachusetts

Phone: 617-727-7775

Email: Paul.Connelly@state.ma.us

Assistant Secretary Connelly is responsible for advising the Secretary of Public Safety and Security on homeland security issues and for developing statewide policy on homeland security, with a focus on preventing, protecting, responding to, and recovering from any and all critical incidents. Mr. Connelly was a primary driver in the creation of the State Homeland Security Strategy, the State Communications Interoperability Plan and the state's Critical Infrastructure Protection Plan. Other planning efforts include the Port Security Working Group, which is targeted at disaster mitigation and trade resumption for one of the nation's most active waterways; and the development of a long-term strategy for homeland security and homeland defense training on the Massachusetts Military Reservation. In addition, Mr. Connelly is a member of Department of Homeland Security's State, Local, Territorial, Tribal Government Coordinating Council, which functions as a forum for all levels of government and the private sector to coordinate policy on Critical Infrastructure protection.

Immediately prior to accepting the position of Deputy Undersecretary, Mr. Connelly served as Director of the Commonwealth Fusion Center (CFC), where he developed strategic planning for the Center and managed all analytic staff. Mr. Connelly began his career in government as an intelligence analyst at the CFC and has also served as the Senior Advisor for Homeland Security and Public Safety in the Executive Office of Public Safety.

Before deciding to transition to public service after 9/11, Mr. Connelly worked in the private sector as a corporate analyst and in software and e-commerce for various companies in the United States and Germany.

Mr. Connelly earned a Master of Arts in Law and Diplomacy in 2004 from the Fletcher School of Law and Diplomacy at Tufts University, where he concentrated in international security studies. After graduating *magna cum laude* from Bowdoin College in 1994 with a B.A. in German and Economics, Mr. Connelly was awarded a Fulbright Scholarship. He spent his year as a Fulbright Scholar in Magdeburg, Germany where he advanced a bilingual pilot program at the Bettina von Arnim School.

Curt Wood

Executive Director of the Massachusetts Criminal Systems History Board

Phone: 617-660-4600

Email: curtis.wood@chs.state.ma.us

Curt Wood is the Executive Director of the Massachusetts Criminal History Systems Board, leading the agency that manages the state's public safety information network and data center. In this role he also directs the Commonwealth's information sharing programs including the Statewide Information Sharing System (SWISS) and Mass Gangs: the Commonwealth's gang intelligence and tracking system. He began his career in 1975 as a line correction officer with the Massachusetts Department of Correction (DOC), retiring in 1997 as the Deputy Chief of Investigations. During his career with the DOC he commanded the agency's Fugitive Apprehension Unit and served as the Director of Information Resources, overseeing the technology services and the research and planning divisions. Upon retirement he served as the director of a public safety consulting practice, specializing in public safety and criminal justice information services. In 2002, Mr. Wood returned to state service in the position of Deputy Executive Director of his current agency, before accepting the Director's position in April 2008.

Mark Schreiber

Partner, Edwards Angell Palmer & Dodge LLP

Phone: 617-239-0585

Email: mschreiber@eapdlaw.com

Mr. Schreiber has agreed to assist the PWG in a consultation capacity.

Mark E. Schreiber's practice is in management defense of employment, compliance, and privacy law matters, including internal company investigations involving alleged fraud, financial improprieties, health care, anti-kickback, and other misconduct. He advises boards and special board committees on these matters. For more than 30 years, he has defended innumerable sexual harassment, discrimination, privacy, wrongful termination, employment contract, non-competition, defamation, ERISA, and disability matters at all levels, including in the trial and appellate courts.

He is Chair of the firm's Privacy Group, Co-Chair for Privacy Matters of the World Law Group, an international affiliation of large law firms. Mr. Schreiber also served as Co-Chair of the Boston Bar

Association's Privacy Committee. Among his practice areas are E.U. data protection and cross-border data transfer, including adapting Sarbanes-Oxley hotlines abroad, and he co-authored the ABA text chapter on this subject. He has handled a number of HIPAA, medical, Gramm Leach, U.S. Safe Harbor and E.U. privacy and security and data breach matters for financial services, biotech and high tech companies, and universities and colleges in the U.S., E.U. and Asia. He has practiced extensively in privacy, data breach and compliance policy and design, workplace e-mail and Internet matters, employee on-line misconduct and responses to government electronic searches.

Mr. Schreiber has litigated, written and lectured extensively on employment and privacy law in Massachusetts, and is credited by some with having helped develop the recent jurisprudence in this field.

From 1975-79, Mr. Schreiber was the chief trial lawyer for the Massachusetts Commission Against Discrimination. He was invited to speak to the Massachusetts Superior Court Judges Conference in 2004 and 1989 on employment law developments. He also contributed to MCLE's Employment Documents (Liebowitz, ed. 1998), and A Judicial Guide to Labor and Employment Law, (Walsh, ed. 1990), produced by the Flaschner Judicial Institute, a widely recognized Massachusetts text in this field.