

Title 36: Technology: Cyber Security Review Board

Part 301: General Provisions

### **Chapter 1: Purpose and Applicability and Relation to Other Law**

*Rule 1.1. History and Purpose.* Per 2024 Regular Session Mississippi Senate Bill 2698 (Mississippi Code Sections 25-53-231, *et seq.*) the "Cyber Security Review Board" ("CSRB") shall be responsible for ensuring a collaborative effort is made to address the cybersecurity threat posed to the State of Mississippi. Responsibilities of the board include creating a system of reporting cybersecurity attacks within the state, researching and implementing best practices to mitigate cybersecurity risks, and connecting individuals and entities with federal and industry partners.

Source: Miss. Code Ann. § 25-53-231, *et seq.*

*Rule 1.2. Statutory Conflict.* Specific statutory provisions which govern CSRB's rules or related proceedings which conflict with any of these rules shall remain in full force and effect, only to the extent of such conflict.

Source: Miss. Code Ann. § 25-53-231, *et seq.*

*Rule 1.3. Conflict of Law.* These rules and the statutes from which they are promulgated shall not be construed to amend, repeal, or supersede the provisions of any other law; and, to the extent that the provisions of any other law conflict or are inconsistent with the provisions of these rules and the statutes from which they are promulgated, the provisions of such other law shall govern and control.

Source: Miss. Code Ann. § 25-53-231, *et seq.*

*Rule 1.4. Effect.* These rules and the statutes from which they are promulgated do not relieve an agency or individual from compliance with any provision of law.

Source: Miss. Code Ann. § 25-53-231, *et seq.*

### **Chapter 2: Officers and Personnel**

*Rule 2.1. Chairperson.* The Executive Director of the Mississippi Office of Homeland Security, or his or her designee will be designated as Chairperson. The Chairperson shall preside at all meetings of the CSRB; co-sign all contracts, deeds and other instruments made by the CSRB when required by federal or state regulations; and perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the CSRB from time to time.

Source: Miss. Code Ann. §§ 25-53-233, 25-53-235, 25-53-237.

*Rule 2.2. Vice Chairperson.* The Executive Director of the Mississippi Department of Information Technology Services, or his or her designee will be designated as the Vice Chairperson. The Vice

Chairperson shall perform the duties of the Chairperson in the absence, incapacity, or inability of the Chairperson to act.

Source: Miss. Code Ann. §§ 25-53-233, 25-53-235, 25-53-237.

*Rule 2.3. Secretary.* The Mississippi Cyber Initiative Program Manager, or his or her designee will serve as Secretary. The Secretary shall prepare and provide the agenda for meetings of the CSRB and shall prepare the minutes of the CSRB in accordance with state law.

Source: Miss. Code Ann. §§ 25-53-235, 25-53-237.

*Rule 2.4. Board Members.*

- e. The Commissioner of the DPS, or designee,
- f. The Executive Director of the MEMA, or designee,
- g. The Adjutant General of the MSNG, or designee
- h. The State Superintendent of Education, or designee, and
- i. The Attorney General of Mississippi, or designee.

Source: Miss. Code Ann. § 25-53-233, 25-53-237.

*Rule 2.5. Ex Officio Nonvoting Members.*

- e. The President of the Mississippi Municipal League, or designee,
- f. The Executive Director of the Mississippi Association of Supervisors staff, or designee,
- g. The Chairmen of the Technology Committee of the Mississippi Senate, or designee,
- h. The Chairmen of the Technology Committee of the Mississippi House of Representatives, or designee, and
- i. The Mississippi Cyber Initiative Program Manager, or designee.

Source: Miss. Code Ann. § 25-53-235, 25-53-237.

### **Chapter 3: Meetings**

*Rule 3.1. Regular Meetings.* Regular meetings shall be conducted on the first Thursday of each month beginning at 9:30 a.m., or at such day and time as may be selected and announced in advance by the Chairperson as required by state law and shall be held at the Mississippi Office of Homeland Security, or such other location as may be selected and announced in advance by the Chairperson. Public notice shall be provided for each meeting as required by state law and the meeting shall be open to the public. Any member of the CSRB may participate in an official meeting by teleconference or videoconference means.

Source: Miss. Code Ann. §§ 25-53-237, 25-41-1, 25-41-3, 25-41-5, 25-41-13.

*Rule 3.2. Agenda.* A CSRB member may request that any item which the member desires to be considered by the full CSRB be placed on the agenda. All other requests for items to be placed on the agenda shall be submitted in writing to the Secretary/Chairperson, with sufficient detail to explain the nature of the request and be received no less than ten (“10”) calendar days prior to the scheduled monthly meeting.

The Secretary/Chairperson of the CSRB shall provide the proposed agenda to each CSRB member not later than seven (“7”) calendar days prior to a regularly scheduled meeting.

Source: Miss. Code Ann. § 25-41-5, 25-53-237.

*Rule 3.3. Executive Session.* The CSRB may enter executive session for the transaction of public business; however, an executive session shall be limited to matters exempted from open meetings as provided in Miss. Code Ann. § 25-41-7 and shall follow the procedure required in Miss. Code Ann. § 25-41-7.

The CSRB and the Chairperson shall designate who is permitted to remain in executive session.

Source: Miss. Code Ann. § 25-41-7, 25-53-237.

*Rule 3.4. Quorum.* A majority of the members of the CSRB shall constitute a quorum for the transaction of business, but a smaller number may recess from time to time until a quorum is obtained.

Source: Miss. Code Ann. § 25-53-237.

*Rule 3.5. Voting.* Voting on all matters shall be by voice vote or by roll call, and the ayes and nays shall be entered in the minutes of the meeting. All actions shall require a majority vote of the members present provided a quorum is present. The Chairperson will have a vote on any measure before the CSRB. The Chairperson may not make or second motions.

Source: Miss. Code Ann. §§ 25-53-233, 25-53-235, 25-53-237, 25-41-5.

*Rule 3.6. Minutes.* The minutes of the CSRB shall be kept in accordance with Miss. Code Ann. § 25-41-11. The minutes shall be prepared by the Secretary; however, the Secretary may secure such assistance as is necessary for the preparation of the minutes. All proposed minutes shall be provided with the agenda to each CSRB member within seven (“7”) calendar days prior to any CSRB meeting. All proposed minutes shall become the official minutes after adoption by the CSRB.

Source: Miss. Code Ann. §§ 25-53-237, 25-41-11.

*Rule 3.7. Designee.* If a member of the CSRB opts to send a designee in his/her place, in accordance with Miss. Code Ann. § 25-53-233, said member shall use the designee form to notify the Chairperson of his/her designee via his/her agency letterhead ten (“10”) days prior to the meeting. Such letter of designation shall remain on file and considered the official appointment of his/her designee as long as that board member remains a member of the CSRB.

Source: Miss. Code Ann. §§ 25-41-9, 25-53-233, 25-53-235, 25-53-237.

*Rule 3.8. Rules and Order.* The CSRB will adhere to parliamentary procedures for conducting business and will seek guidance from Robert's Rules of Order to the extent such procedures are not inconsistent with the CSRB Rules and Regulations, enabling statutes, or other Mississippi law.

Source: Miss. Code Ann. §§ 25-53-231, *et seq.*

## **Chapter 4: Public Records**

*Rule 4.1. Public Records.* In accordance with Miss. Code Ann. § 25-61-3(b), Proposals, books, records, papers, or other documentary materials, regardless of physical form or characteristics, in use, prepared, possessed or retained by the CSRB for use in the conduct of its business are public records under Mississippi law and are subject to disclosure to any person making a request thereof, according to the procedures documented below.

Source: Miss. Code Ann. §§ 25-41-1, *et seq.*, 25-53-231, *et seq.*, 25-61-1, *et seq.*

*Rule 4.2. Submission Requests.* Any person wishing to request access to public records of the Mississippi Department of Public Safety, or seeking assistance in making such a request, must make the official request in writing by email, fax, or letter addressed to the Legal Division of the Mississippi Department of Public Safety:

Legal Division  
P.O. Box 958  
Jackson, Mississippi 39205

Office: (601)-987-1332  
Fax: (601) 987-1345  
Email: [records@dps.ms.gov](mailto:records@dps.ms.gov)

Information is also available at the Mississippi Department of Public Safety's website (<http://www.dps.ms.gov>).

Source: Miss. Code Ann. §§ 25-41-1, *et seq.*, 25-53-231, *et seq.*, 25-61-1, *et seq.*

*Rule 4.3. Contents of Request.* Any person requesting to inspect, copy, mechanically reproduce or obtain a reproduction of public records of CSRB must include the following information:

- a. Name of requestor,
- b. Mailing address of requestor,
- c. Telephone number of requestor,
- d. Email address of requestor,
- e. Identification of the requested public records, by individual item or category with reasonable particularity, sufficient particularity that the public records officer or designee may locate the public records, and
- f. Date of request.

Source: Miss. Code Ann. §§ 25-41-1, *et seq.*, 25-53-231, *et seq.*, 25-61-1, *et seq.*

*Rule 4.4. Timetable for Processing.* Within seven (7) Working Days of receipt of the request, the CSRB will do one or more of the following:

- a. Make the records available for inspection or copying.
- b. If Standard Documents are requested and full payment is received in accordance with the attached Schedule of Fees, send the copies to the requestor.
- c. Acknowledge the receipt of the Special Request and accompanying Special Request fee of \$60, and provide a reasonable estimate of the time and cost that will be required to make the records available; for records that do not fall under the provisions of Mississippi Code Annotated Section 25-61-9 regarding Third Party Information notification requirements, the CSRB will provide a written explanation if the records cannot be produced within the seven (“7”) Working Day period.
- d. Provide notice of missing or incomplete payment to the requestor. Requests not accompanied by the appropriate payment will be closed within ten (“10”) Working Days of the date of the CSRB’s notification to the requestor, if payment is not received.
- e. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone, with written follow-up. The CSRB may revise the estimate of when records will be available.
- f. Deny the request, with documentation to the requestor as to the reason for denial.

Source: Miss. Code Ann. §§ 25-41-1, *et seq.*, 25-53-231, *et seq.*, 25-61-1, *et seq.*

*Rule 4.5. Third Party Information.* The CSRB receives certain information from Third Parties that may be exempt from the Public Records Act and/or otherwise protected by disclosure by law. Records furnished to CSRB which may otherwise be protected from disclosure by law shall not be released until notice to the third party has been given in accordance with Miss. Code Ann. § 25-61-9.

- a. When the CSRB receives a request to release Third Party Information, the owner of this information is notified of the name and address of the party requesting the information and the nature of the information requested, starting the twenty-one (“21”) day period under Section 25-61-9. The requestor also receives a copy of this notification.
- b. The Third Party must provide the CSRB and/or its legal representation, through the Mississippi Attorney General’s Office, a copy of a court order or petition seeking a protective order within the twenty-one (“21”) day period under Section 25-61-9. Failure of the Third Party to timely comply with the requirements of Section 25-61-9 shall result in disclosure. Upon the filing of a petition and notifying CSRB as required under Section 25-61-9 do not negate the Third Party’s duty to comply with the applicable Mississippi Rules of Civil Procedure.
- c. If CSRB receives notice of an order or petition by the twenty-one (“21”) day deadline, the CSRB will notify the requestor that the information is protected and cannot be furnished until the legal proceedings have concluded.
- d. If CSRB is not notified of the applicable court order or petition for protective order prior to the expiration of the twenty-one (“21”) day period, then CSRB shall release all information, not protected, to the requestor once payment for the information has been received from the requestor.

Source: Miss. Code Ann. §§ 25-41-1, *et seq.*, 25-53-231, *et seq.*, 25-61-1, *et seq.*

*Rule 4.6. Assessment of Costs to Requestor.* By statute, charges for records are made on a cost-recovery basis. Payment for records requested shall be made in advance and shall be sufficient to cover the actual costs for the CSRB and/or the customer agency/institution to furnish the records. Such costs include, but are not limited to, staff and/or counsel time to evaluate and research the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.

Payment shall be in the form of a certified check, money order, or corporate check made payable to the CSRB for the amount specified. No cash or personal checks will be accepted. Should the actual cost of producing the requested information exceed the estimate provided, the requestor will be notified of the additional amount due before the CSRB provides the information.

Source: Miss. Code Ann. §§ 25-41-1, *et seq.*, 25-53-231, *et seq.*, 25-61-1, *et seq.*

## **Chapter 5. Declaratory Opinions.**

*Rule 5.1. Applicability of Chapter.* This chapter sets forth the CSRB’s rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the CSRB’s procedures regarding the disposition of requests as required by Miss. Code Ann. § 25-43-2.103.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.2. Scope of Declaratory Opinions.* The CSRB will issue declaratory opinions regarding the applicability to specified facts of:

- a. A statute administered or enforced by the CSRB,
- b. A rule promulgated by the CSRB, or
- c. An order issued by the CSRB.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.3. Scope of Declaratory Opinion Request.* A request must be limited to a single transaction or occurrence.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.4. Procedure to Submit Request.* When a person with substantial interest, as required by Section 25-43-2.103, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request.

- a. Each request must be submitted on 8-1/2" x 11" white paper.
- b. Each request may be in the form of a letter addressed to or in the form of a pleading as if filed with court.
- c. The submission must comply with all requirements of this chapter, including but not limited to Rules 5.5-5.6.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.5. Contents of Request.* Each request must contain the following:

- a. Each request must include the date of the request.
- b. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- c. Each request must be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
- d. Each request must clearly state that it is a request for a declaratory opinion.
- e. Each request must clearly identify the statute or rule at issue.
- f. Each request must include a clear and concise statement of all facts relevant to the question presented.
- g. Each request must identify all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number.

- h. Each request must include a statement sufficient to show that the requestor has a substantial interest in the subject matter of the request.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.6. Signature of Attestation.* Any party who signs the request shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, board, administrative, or judicial tribunal.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.7. Reasons for Refusal of Declaratory Opinion Request.* The CCSRB may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

- a. The matter is outside the primary jurisdiction of the CSRB,
- b. Lack of clarity concerning the question presented,
- c. There is pending or anticipated litigation, administrative, or other adjudicative action which may either answer the question presented by the request or otherwise make an answer unnecessary,
- d. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request,
- e. The facts presented in the request are insufficient to answer the question presented,
- f. The request fails to comply with any requirements under this chapter,
- g. The request seeks to resolve issues which are moot, abstract, or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought,
- h. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order,
- i. The question presented by the request concerns the legal validity of a statute, rule, or order,
- j. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct,
- k. No clear answer is determinable,
- l. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime,
- m. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure,
- n. The question is currently the subject of an Attorney General's Opinion request,
- o. The question has been answered by an Attorney General's Opinion,
- p. One or more requestors have standing to seek an Attorney General's Opinion on the proffered question,

- q. A similar request is pending before the CSRB, any other agency, or proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law,
- r. The question involves eligibility for a license, permit, certificate, or other approval by the CSRB or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate, or other approval may be determined.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.8. Agency Response.* Within forty-five (“45”) working days after the receipt of a request for a declaratory opinion which complies with the requirements of this chapter, the CSRB shall, in writing:

- a. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances,
- b. Agree to issue a declaratory opinion by a specified time but no later than ninety (“90”) days after receipt of the written request, or
- c. Decline to issue a declaratory opinion, stating the reasons for its actions.

The forty-five (“45”) day period shall begin on the first business day after which the request is received by CSRB. If the forty-five (“45”) day period ends on a weekend or holiday, the CSRB response will be provided on the first business day thereafter.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 5.9. Availability of Declaratory Opinions and Requests for Opinions.* Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name, subject, and date of issue. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi 16 Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: Miss. Code Ann. § 25-43-2.105.

## **Chapter 6: Rulemaking Oral Proceedings**

*Rule 6.1. Application of Chapter.* This chapter applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations or written input on proposed new rules, amendments to rules, and proposed repeal of existing rules before the CSRB pursuant to the Administrative Procedures Act.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 6.2. Request for Oral Proceeding.* When a political subdivision, an agency, or a citizen requests an oral proceeding in regards to a proposed rule adoption, the requestor must submit a printed, typewritten, or legibly handwritten request.

- a. Each request must be submitted on 8-1/2" x 11" white paper.
- b. The request may be in the form of a letter addressed to the [Agency] or in the form of a pleading as if filed with a court.
- c. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- d. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 6.3. Notice of Oral Proceeding.* Notice of the date, time, and place of all oral proceedings shall be filed with the Secretary of State's Office for publication in the Administrative Bulletin. The CSRB providing the notice shall provide notice of oral proceedings to each requestor. The oral proceedings will be scheduled no earlier than twenty ("20") days from the filing of the notice with the Secretary of State. The Agency Head, or designee who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 6.4. Public Participation Guidelines.* Public participation shall be permitted at oral proceedings in accordance with the following:

- a. At an oral proceeding on a proposed rule, persons may make statements and present documentary and physical submissions concerning the proposed rule.
- b. Persons wishing to make oral presentations at such a proceeding shall notify the CSRB at least three business days prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not contacted the CSRB prior to the proceeding.
- c. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- d. The presiding officer may place time limitations on individual presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- e. Persons making presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials may, however, be submitted at the oral proceeding.
- f. Where time permits and to facilitate the exchange of information, the presiding officer may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any

prior written submissions made by those participants in that proceeding. No participant shall be required to answer any question.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 6.5. Submissions and Records.* Physical and Documentary Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the CSRB, part of the rulemaking record, and are subject to the CSRB's public records request procedure. The CSRB may record oral proceedings by stenographic or electronic means.

Source: Miss. Code Ann. § 25-43-2.105.