



## Proposed Changes to DTI Enabling Statute - June, 2019

The table below outlines major changes and additions beyond modern updates to the language of Title 29. This summary does not include each incidental replacement of individual words (e.g., “telecommunication” replaced by “technology”). Also, unless they reflect a major change and not a reduction in redundancy, deleted paragraphs are not included in this summary table.

<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9001C	“...the critical role of information and information systems in the provision of life, health, safety, and other crucial services to the citizens of the State of Delaware and the risk posed to these services due to the ever-evolving cybersecurity treat.” Replaced language related to the creation of the then-new DTI.	Makes explicit the State’s interest in, and the importance of, information technology.
§9003C (1)	“Agency” or “state agency” includes every board, department, bureau, commission, person or group of persons or other authority created and now existing or hereafter to be created to execute, supervise, control and/or administer governmental functions under the laws of this State or to perform such other duties as may be prescribed or to whom any moneys are appropriated under any budget appropriation act or supplemental appropriation act or any other act which authorizes and requires any department to collect and/or use any taxes, fees, licenses, permits or other receipts for services or otherwise for the performance of any function of or related to or supported in whole or in part by the laws of this State, and/or created to administer any laws providing for the collection of taxes, fees, permits, licenses or other forms of receipts from any sources whatsoever for the use of the State or any agency of the State. “Agency” does not include the legislative and judicial branches of state government, any non-Executive branch agencies of the government, or any university, or local education agencies.	Uncouples the definition from §6301(1) of this Title and clarifies the scope of the definition.



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<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9003C (5)	"Technology" definition is expanded, from the legacy focus on simple telecommunications connectivity and computing, to include all "resources and initiatives" required to electronically manage, consume and/or provide data/information (data centers, infrastructure, hardware, technology project management, networking application development, service desk, information security, data management and database administration) and digital government.	Modernized definition more clearly reflects the complexion of the role technology plays in Delaware.
§9004C (2)	"Create and enforce" added and "agency" replaces "interagency" in this paragraph that outlines powers and duties of DTI to implement technology solutions, policies, standards and guidelines.	Clarifies that DTI, in following the recommendations of the Technology Investment Council and the CIO, is responsible for setting and enforcing state technology policies and standards.
§9004C (6)	Provide management of technology facilities (removes qualifying "certain")	Codifies DTI's responsibility for all technology facilities
§9004C (7)	Replaces "make studies of" with "research" all facets of technology and adds "potential technology solutions of or with private entities"	Enables DTI to have full visibility into existing Delaware technology deployed throughout all state agencies, to improve security and identify potential areas for improvement and/or savings.
§9004C (8)	Replaces "technology-based management or productivity improvement programs" with "technology initiatives"	Broader definition of DTI responsibility for technology innovation
§9004C (9)	Replaces limited "data processing" with "technology" and adds language regarding centralization plans approved by the CIO "shall be given effect.	Expands the authorization for DTI to provide and/or broker a wide variety of agency and/or enterprise-wide technological solutions
§9004C (10)	Replaces "several" with "all state" agencies	Clarifies DTI's responsibility to support the success of every agency in its consideration of technology decisions
§9004C (15)	Replaces "communications" and "facilities" with "technology" and "maximum practical consolidation" with "centralization"	Codifies that the goal of the comprehensive state technology plan is centralization.



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<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9004C (17) <b>NEW</b>	Establish and promulgate standards, policies, guidelines and procedures concerning the development, implementation, acquisition and use of the State's assets.	?
<b>OLD</b> §9005C (6)	Deleted outdated paragraph relating to facilitating agency acquisition of licenses, permits, channels and frequencies.	Subsumed under vendor management responsibilities
§9004C (21)	<b>old 9005C (9)</b> Replaces "communications" with "statewide technology" budget and adds "business" before "requirements by agency"	Codifies DTI administrative and policy responsibility for Delaware's technology budget submission.
<b>OLD</b> §9005C (11)	Deleted paragraphs related to outdated emergency communications and supplemental budget requests and technical consultation, coordination activities regarding telecommunications	Subsumed under "technology" responsibilities
§9004C (24) <b>NEW</b>	Establish and coordinate a mechanism for a prorated chargeback process that aligns with the state's annual budget process with the approval of the Director of the Office of Management and Budget and Controller General. The chargeback rate will cover all centralized technology services statewide, and	
§9004C (25) <b>NEW</b>	(Replaces old §9012) The Department shall assign an agency "technology coordinator" to each state agency. It is the intent of this section that such technology coordinators will act as the primary points of contact for appropriate communications between the Department and the state agencies, the State General Assembly, the State Judiciary, the State Department of Elections, the State Board of Education, the Office of the State Public Defender, the State Attorney General and other elective offices	Codifies the important role of formally-assigned communication liaisons
§9005C (a)	<b>old 9006C(a)</b> Changes "or" to "and"	Requires joint approval of initiation of any new technology project by both DTI <b>and</b> the agency head, assuring DTI has full visibility into all new technology.



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<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9005C (a) (5)	old 9006C(5) Adds "and staffing resources"	Recognizes the value of people in the provision of technology projects
	old 9006C(9) Deleted language related to scope and fiscal year budget approval	Shift in oversight to new governance model and removes redundant language
§9005C(a) (9) <b>NEW</b>	Adds "End user and staff training as needed."	Recognizes and supports the value people bring to technology
§9005C(b) and (c)	Deleted redundancies and/or modernized language	Recognizes shift in oversight, staffing, service level agreements now covered elsewhere.
§9009C (1-5) <b>NEW</b>	New section inserted, State Information Security Requirements	Codifies the importance of cybersecurity
§9009C (1) <b>NEW</b>	Develop and implement a comprehensive information security program that applies personnel, process, and technology controls to protect the State's data, systems, and infrastructure, within the State's computing environment or on partner systems. All systems that connect to the State network shall comply with the State Information Security Program;	Sets expectations for state IT environment security program and compliance
§9009C (2) <b>NEW</b>	Identify and address information security risks to each State agency, to third-party providers, and to key supply chain partners, including an assessment of the extent to which information resources, processes, or technologies are vulnerable to unauthorized access or harm, including the extent to which the entity's electronically stored information is vulnerable to unauthorized access, use, disclosure, disruption, modification, or destruction, and direct risk mitigation strategies, methods, and procedures to reduce those risks;	Allows for risk assessment and mitigation
§9009C (3) <b>NEW</b>	Establish a central Security Operations Center (SOC) to direct statewide cyber defense and cyber threat mitigation. The SOC responsibilities shall include generating, collecting and analyzing security activity information state data, systems, and infrastructure to identify and respond to cyber-attacks against the state effectively;	Codifies the Security Operations Center



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<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9009C (4) <b>NEW</b>	Implement technical compliance to State-owned technology that is required by law. The Department may also implement technical compliance to State-owned technology that is recommended by private industry standards. The Department shall have the full cooperation of state agencies in identifying compliance requirements or industry standards;	Codifies IT compliance standards
§9009C (5) <b>NEW</b>	Temporarily disrupt the exposure of an information system or information technology infrastructure that is owned, leased, outsourced, or shared by one or more State agencies in order to isolate the source of, or stop the spread of, an information security breach or other similar information security incident	Confers on DTI protective power to isolate or disable state IT to defend state assets from cybersecurity threats.
§9011C (6)	Adds "including three Cabinet Secretaries" to the governor-appointed membership of the Technology Investment Council (TIC)	Mandates membership includes at least three Executive Branch agencies' Cabinet Secretaries
§9011C (6)(b)	Updated language stipulates "To ensure high level engagement in the Council, the 9 members may only designate to their deputy or equivalent position."	Helps ensure the effectiveness of the TIC through members fully empowered by their organizations with decision making authority
§9015C <b>NEW</b>	State Agency Technology Procurement and Management	New section consolidates and/or codifies State IT procurement
§9015C (a)	The Department shall establish statewide technology standards for use in the procurement process. Further, if the Department has entered into a statewide contract for technology services or resources, then that contract is mandatory use for state agencies.	Establishes DTI as the originator and signatory of state technology contracts and stipulates enterprise-wide use of those contracts
§9015C (b)	The Department of Technology and Information shall have the full cooperation of state agencies in developing and implementing the sharing of data and information throughout the Executive Branch.	Enjoins all agencies to engage actively in facilitating sharing of state data



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<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9015C (c)	The Department of Technology and Information shall enter into and develop service-level agreements necessary to ensure that the state agencies have full access to secure, reliable, and efficient technology services.	Confirms that DTI-agency technology equipment, service, and use relationships are governed by service level agreements
§9016C <b>NEW</b>	Reallocation of Technology Personnel and Equipment from Executive Branch Agencies	Codifies control of State of Delaware Executive Agency technology by centralizing personnel management and technology asset ownership to DTI
§9016C (a)	All employees in Executive Branch Agencies who are currently engaged in the exercise and performance of the powers, duties, and functions, as defined in this title and who are determined by the CIO to be necessary for the exercise and performance of the powers, duties, and functions as defined in this title are hereby reallocated to the Department. In addition, all Executive Branch Agency employees who are determined by the CIO to have been engaged in providing necessary administrative, technical, or other support functions as defined in this title are hereby reallocated to the Department. In order to facilitate this reallocation, all Executive Branch Agencies shall work in cooperation with the CIO, the Secretary of the Department of Human Resources, and the Director of the Office of Management and Budget to develop a detailed plan of implementation to reallocate and centralize all agency employees referenced in this Section to the Department. This plan shall include but not be limited to any budgetary, operational, and regulatory changes necessary to implement such a centralization as well as service level agreements with state agencies to ensure continued operations.	Makes explicit technology personnel reallocation will be accomplished according to implementation plans co-developed among agencies, DTI, OMB and DHR.



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<b>New Statute §</b>	<b>Proposed Change</b>	<b>Benefit</b>
§9016C (b)	<p>All technology equipment in Executive Branch Agencies that is currently engaged in the exercise and performance of the powers, duties, and functions, as defined in this title and that is determined by the CIO to be necessary for the exercise and performance of the powers, duties, and functions as defined in this title are hereby reallocated to the Department. In order to facilitate this reallocation, all Executive Branch Agencies shall work in cooperation with the CIO and the Director of the Office of Management and Budget to develop a detailed plan of implementation to reallocate and centralize all Executive Branch Agencies equipment referenced in this Section to the Department. This plan shall include but not be limited to any budgetary, operational, and regulatory changes necessary to implement such a centralization as well as service level agreements with state agencies to ensure continued operations.</p>	<p>Makes explicit technology asset reallocations will be accomplished according to implementation plans co-developed among agencies, DTI, and OMB.</p>