

Texas Technology Commission (TTC)

Summary

Once upon a time, a bridge collapsed and people responded by licensing and regulating structural engineers. With the IT breaches today, it is time for a similar corollary for the computer industry.

- Make Texas a global data center with modern laws and regulations.
- Promote small businesses with uniform licensing and standards (server farm in your garage).
- Win Federal contracts for data storage, including IRS.
- Respect foreign jurisdictions including protecting data stored for foreign countries.

Accessing data from foreign jurisdictions

If data is physically stored in Texas and the corporation is domiciled in Nevada, how does someone from Georgia subpoena that data? How many jurisdictions' laws are brought into argument, including Federal? Therefore, the Texas legislature must delegate that authority to an entity that has local jurisdiction over the State and can work towards defining those regulations.

Background problems

All computer data can be changed and deleted at will. Corporations purport to protect privacy, but there is no oversight on their personnel or procedures. Most corporate IT personnel earn \$100,000/year and can be bought off easily. There are no common standards for data access. Security is left entirely to the judgment of the individual and corporation to enforce. Legal liability is insufficient because the end consumer does not have the proof to show negligence or fraud. Digital data can be changed and deleted at will, with no recourse and no proof. There is no such thing as chain of custody with regard to computers. Times and dates can be changed with no trace.

The Federal data breach at the Office of Personnel Management in June 2015 released the full background data of every person who has ever worked for the Federal government. That includes all military, CIA, NSA, Congress, Executive Branch, Judicial Branch personnel, etc. All the background information used for researching security clearances was released on all employees. I assert some of that data was changed prior to release and identity thieves have successfully adopted official credentials. The Commissioner was fired, because she had trusted her IT department. No IT department or contractor was ever publicly fired. "It's just a bug, we'll fix it" is not sufficient. Subsequent breaches at the IRS covered up that breach. Hillary Clinton's email server may have been difficult to change, so it might have better data than the central database.

Due to the complex nature of the subject, Apple and the FBI could never come to terms over what was possible and whose role it was to perform. Who can get access and under what conditions? For example, a court order with sufficient publicity might be adequate, but how to get access? Perhaps a standard interface can be defined for law enforcement with sufficient logging and accountability that will prevent mis-use. Hackers who get access to that interface would be tracked. That is possible.

Tesla's auto-driving car recently killed someone. If a drone damages property or kills someone, can hacking be ruled out? Can a computer be party to a legal contract? Is AI a legal entity?

Initial goals of the TTC

- Determine and enforce data standards and security methodologies.
- Decide how foreign jurisdictions legally access "cloud-based data" physically located in Texas.
- Apply regulations across all corporations doing business in Texas.
- Encourage small businesses and allow competition.
- Work with corporations such as Dell, EMC, Oracle, Microsoft, etc. to determine best-practices.
- Protect the data from foreign jurisdiction intrusions and surveillance, including Federal.
- Turn Texas into a data center open to any external jurisdiction.
- Work with the Department of Commerce on standards with surrounding States.
- Work with the Department of Defense in clarifying privacy and national security.

Legislative request

Delegate the Texas legislature's authority to a new agency, which will govern technology regulations. The legislation might be modeled after the Texas Railroad Commission. The Department of Commerce is the logical Federal counterpart (FCC & NIST, for example).

The new agency's authority and licensing power make it self-funding. It can be started with a very small budget until a formal budget is presented.

About me

Andrew B. Brown has a degree in accounting from UT Austin, 20+ years of IT and executive experience including VP of a software company, managed the IT department for a Medicaid health plan in Arizona, and served as the lead architect at Law.com, and most recently at Morgan Stanley. Mr. Brown has also managed ad valorem taxes for a bank's REO department, originated and packaged mortgage loans for sale to Wall Street, and traded stocks while holding SEC Series 7, 63, 55 licenses.

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