

Technical Support Working Group.txt

Subject: Proposed CII Rule

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To: "RegComments, CII" <CII.RegComments@HQ.DHS.GOV>

In the fourth paragraph of I. Background it states...", the Department relies upon the discretion of the submitter as to whether the volunteered information meets the definition of critical infrastructure information." This is a good statemenet, but then things begin to change.

Later in the document the position begins to soften..."In making this initial validation determination, the Program Manager shall give deference to the submitter's expectation that the information qualifies for protection." Now he submitter is given deference, but no authority.

Ultimately, it would seem that the submitter has little to do with determining what is CII or not as evidenced by this statement..."The information shall remain protected unless and until the CII Program Manager renders a final decision that the information is not Protected CII."

My feeling is that this document as written will do little to instill confidence in those who hold on to CII as their last line of defense. Furthermore, I am particularly interested in this rule because of the problems I am having in getting local municipalities to hand over CII to a Federal agency let alone a Government contractor as I strive to develop solutions to enhance our protective posture. I would like to be able to point to a rule and proclaim that those people (and hence their information) or that information (and hence the people) who hand over CII will be protected.

I believe that the submitter should be consulted and educated by the CII Program Manager, but the final say should be had by the submitter. Only by giving the submitter the authority over their own CII will they gain the confidence to share CII and thereby achieve the ultimate goal of enhancing the protection of our critical infrastructure.

Sincerely,  
Perry

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