

AGENDA
TECHNICAL PANEL
Varner Hall - Board Room
3835 Holdrege Street
Lincoln, Nebraska
Friday, September 6, 2024
9:00 a.m. CT

- I. ROLL CALL; MEETING NOTICE; OPEN MEETINGS ACT INFORMATION
- II. PUBLIC COMMENT
- III. APPROVAL OF AUGUST 13, 2024, MEETING MINUTES *** (*Attachment III*)
- IV. REGULAR BUSINESS
 - A. TECHNICAL STANDARDS AND GUIDELINES
 - 1. Proposal 37. Adopt a new section relating to artificial intelligence. [Motion to post for 30-day comment period.] *** (*Attachment IV-A-1*)
- V. OTHER BUSINESS
- VI. ADJOURN

*** Action item.

The Technical Panel will attempt to adhere to the sequence of the published agenda but reserves the right to adjust the order and timing of items and may elect to take action on any of the items listed. If you need interpreter services or other reasonable accommodations, please contact the Technical Panel at 402-471-3560 at least five days prior to the meeting to coordinate arrangements.

Meeting notice was posted to the [NITC website](#) and the [Nebraska Public Meeting Calendar](#) on August 23, 2024. The agenda was posted to the NITC website on September 4, 2024.

[Nebraska Open Meetings Act](#) | [Technical Panel Meeting Documents](#)

Attachment III

TECHNICAL PANEL
Varner Hall - Board Room
3835 Holdrege Street Lincoln, Nebraska
Tuesday, August 13, 2024, 9:00 a.m. CT
MINUTES

MEMBERS PRESENT:

Kirk Langer, Chair, Lincoln Public Schools
Dr. Matthew McCarville, Chief Information Officer, State of Nebraska
Ling Ling Sun, Nebraska Public Media
Remy Sydik, University of Nebraska

MEMBERS ABSENT:

Rick Haugerud, University of Nebraska,

STAFF PRESENT:

Rick Becker, NITC Executive Administrator and Legal Counsel
Lori Lopez Urdiales, Office Services Manager II
Andy Weekly, OCIO Project Manager Office, IT Supervisor
Patrick Wright, State Chief Information Security & Privacy Officer

ROLL CALL; MEETING NOTICE; OPEN MEETINGS ACT INFORMATION

In the absence of the Chair, the meeting was called to order by Ling Ling Sun, at 9:05 a.m. A quorum was present. The meeting notice was posted to the NITC website and the Nebraska Public Meeting Calendar on July 29, 2024. The agenda was posted to the NITC website on August 9, 2024. A copy of the Nebraska Open Meetings Act was in the meeting room and a link to the act was included with the agenda.

Mr. Langer arrived at 9:06 a.m.

PUBLIC COMMENT

Jason Jackson, Director, Department of Administrative Services (1526 K Street, Lincoln, Nebraska) addressed the panel regarding the JD Edward EnterpriseOne system.

APPROVAL OF APRIL 9, 2024, MEETING MINUTES

Ms. Sun moved to approve the April 9, 2024, minutes as presented. Mx. Sydik seconded. Roll call vote: McCarville-Yes, Sydik-Yes, Langer-Yes, and Sun-Yes. Results: Yes-4, No-0, Abstained-0. Motion carried.

REGULAR BUSINESS

PROJECTS

Enterprise project status dashboard report.

Mr. Weekly provided the report and entertained questions from panel members.

Biennial budget review timeline; October meeting date.

Mr. Becker reviewed the project review timeline. Members agreed to hold the October meeting on October 28, 2024, 1:00 – 5:00 p.m.

TECHNICAL STANDARDS AND GUIDELINES

Proposal 32. Amend the application code standard.

Mr. Wright recommended advancing the proposal as originally drafted. Any issues can be addressed using the waiver process.

Mx. Sydik moved to recommend approval of Proposal 32. Dr. McCarville seconded. Roll call vote: Sun-Yes, Langer-Yes, Sydik-Yes, and McCarville-Yes. Results: Yes-4, No-0, Abstained-0. Motion carried.

Proposal 35. Amend access control provisions of the Information Security Policy.

Mr. Wright introduced the proposal.

Ms. Sun moved to post Proposal 35 for the 30-day public comment period. Mx. Sydik seconded. Roll call vote: Langer-Yes, Sun-Yes, McCarville-Yes, and Sydik-Yes. Results: Yes-4, No-0, Abstained-0. Motion carried.

Proposal 36. Amend system security provisions of the Information Security Policy.

Mr. Wright introduced the proposal.

Members discussed the following changes: (1) on page 1, line 6, strike “or activity” and show as stricken, insert a comma after “residing”, insert “activity” after “or”, and insert a comma after “occurring”; (2) on page 2, line 10, after “approved” insert “by the state information security officer” and strike the remainder of the sentence; (3) on page 2, strike the language in lines 11 through 15 and show as stricken, and renumber the remaining subsections accordingly.

Dr. McCarville moved to post Proposal 36 as modified for the 30-day public comment period. Mx. Sydik seconded. Roll call vote: Langer-Yes, Sun-Yes, Sydik-Yes, and McCarville-Yes. Results: Yes-4, No-0, Abstained-0. Motion carried.

Proposal 37. Adopt a new section relating to Artificial Intelligence.

Mr. Wright introduced the proposal.

After discussion, members agreed to have a special meeting on September 6, 2024, 9:00 – 11:00 a.m., to continue consideration of this proposal.

Temporary waivers granted by the state information security officer pursuant to section 1-103(3).

Mr. Wright discussed Request for Waiver 24-01 submitted by the Department of Administrative Services relating to the JD Edwards EnterpriseOne system. Temporary waivers were granted by Mr. Wright for the following sections: (1) Sections 8-██████████ and 8-██████████. The department will implement a change to address this issue; (2) Section 8-██████████. An upgrade to the system in August will correct this deficiency; and (3) Section 8-██████████. This will be a continuing issue.

Ms. Sun moved to approve the waivers. Mr. Langer seconded. Roll call vote: Sun-Yes, McCarville-Yes, Sydik-Yes, and Langer-Yes. Results: Yes-4, No-0, Abstained-0. Motion carried.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Ms. Sun moved to adjourn. Mr. Langer seconded. All were in favor. Motion carried.

The meeting was adjourned at 10:50 a.m.

The meeting minutes were taken by Ms. Lopez Urdiales and reviewed by Mr. Becker.

Attachment IV-A-1

**State of Nebraska
Nebraska Information Technology Commission
Technical Standards and Guidelines**

Proposal 37

A PROPOSAL to adopt a new section relating to artificial intelligence.

1 Section 1. The following new section is adopted:

2 **8-609. Artificial intelligence policy.**

3 Artificial Intelligence (“AI”) is the development of information processing systems that
4 simulate functions commonly associated with human intelligence. AI technologies are available
5 in a variety of types and categories, including standalone systems (e.g., OpenAI – ChatGPT,
6 and DALL-E), integrated as features within search engines (e.g., Microsoft Bing and Google
7 Gemini), and embedded in other software tools (e.g., Adobe AI Assistant and Microsoft Copilot).

8 For AI systems owned, used, or managed by the State of Nebraska the following standards
9 and guidelines apply:

10 (1) Security and Risk Management. (a) Agencies utilizing AI technologies shall consult with
11 Office of the CIO’s Security Risk Mitigation and Compliance team (“RMC”) regarding system
12 development and operations; (b) privacy impact assessments, third-party and security risk
13 assessments must be conducted regularly to ensure that security, safety, confidentiality, civil
14 liberties, civil rights, and privacy are protected while continuing to promote and empower the
15 use of AI to benefit the State of Nebraska and its residents; (c) agencies shall not utilize public
16 AI technology services for data classified as HIGH IMPACT or MODERATE IMPACT, nor LOW
17 IMPACT data that contains personal data elements. LOW IMPACT or NO IMPACT data, which
18 is publicly available, is permitted for use with public AI technologies; (d) the Office of the CIO
19 shall establish appropriate controls and risk mitigations to identify and mitigate risks and ensure

1 the use of AI does not compromise the safety or integrity of agency data and systems; (e) the
2 Office of the CIO shall provide general AI training; (f) agencies shall provide role-based training
3 to team members for specific and unique AI technologies used for their business purposes in
4 advance of production implementation; and (g) the following are approval requirements for the
5 use of AI: (i) the Office of the CIO must review and approve all AI technologies; (ii) agencies
6 shall only use OCIO-approved AI; (iii) agencies may request an evaluation of new AI through
7 the OCIO Cloud Review Board; and (iv) AI used by agencies can only be retained on agency
8 data, unless specifically intended for public use;

9 (2) Ethics, Fairness, and Bias. (a) AI must be ethical, fair, and unbiased in a manner that is
10 not discriminatory or negatively impacts a specific group of people; and (b) human rights, civil
11 liberties, and dignity must be protected while using AI;

12 (3) Privacy. (a) AI must comply with applicable data protection and privacy laws,
13 regulations, and guidelines; (b) agency, constituent, and regulated data must be collected,
14 stored, used, and distributed securely and confidentially, with explicit consent obtained where
15 required; (c) in consultation with the Office of the CIO agencies shall design and implement data
16 privacy procedures for specific AI being used; and (d) agencies shall evaluate privacy
17 compliance of AI periodically where appropriate;

18 (4) Validity and Reliability. (a) AI must be reliable and consistently valid or accurate in its
19 responses and output; and (b) agencies shall confirm the validity and reliability of output
20 produced by AI;

21 (5) Transparency. (a) Agencies shall be transparent about AI technologies and their error
22 rates, biases, outputs, disclosing where constituents are interacting with AI, the outcome and
23 impact, if applicable, and the business purposes where AI is used; and (b) agencies shall
24 ensure all systems and processes employing AI for decision-making or output generation are
25 clearly marked to enhance transparency and accountability; and

1 (6) Accountability. (a) Agencies must ensure AI used within systems is securely developed
2 in accordance with NITC standards and guidelines, assessed for risk and biases, as well as
3 monitored regularly; (b) agencies must ensure AI is used responsibly, operating as intended,
4 and compliant with applicable laws, regulations, policies, procedures, standards, guidelines, and
5 best practices.

6 Sec. 2. This proposal takes effect when approved by the commission.