November 6, 2012

Hyla Wagner
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento CA 95814

Dear Ms. Wagner:

Draft Regulation 18756 – Statements of Economic Interests: Certification of Electronic Filing Systems

The Executive Office of the Los Angeles County Board of Supervisors, one of the five agencies that participated in the Form 700 e-file pilot program, appreciates the opportunity to provide the Fair Political Practices Commission with input regarding draft Regulation 18756 re: certification of electronic filing systems. The draft regulation was reviewed by our senior managers who have the following suggestions and comments:

1. With regard to subdivision (a), we suggest using broader language in anticipation of future changes in technology. The technology involved in e-file systems changes so rapidly that we don’t believe it wise to state specifically that data be exported into only CSV or XML files. Making clear that, at least at this point in time, the Commission will only approve system formats that permit data to be exported into CSV or SML files should be stated in materials used in the Commission’s review and certification procedures, not in the actual Regulation, which would have to go through the cumbersome and time-consuming regulatory process each time changes in technology require it.

We suggest wording (a) as follows:

(a) Database Design. To permit compatibility among systems, an agency’s electronic filing system for statements of economic interests under Section 87500.2 shall accept a filing in a standardized record format and shall permit using a system that permits data to be exported into a common file format such as comma separated values (CSV) or Extensible Markup Language (XML) files allowing the data to be easily retrieved on a variety of spreadsheet and database applications.
2. Similar to comment number 1, in light of rapidly changing technology, we suggest that subdivision (b) be re-worded to not limit Web encryption technology to secure sockets layer (SSL). However, SSL could be used as an example of Web encryption.

We suggest the following changes to (b):

(b) Features. In addition to the requirements set forth in Section 87500.2, an agency’s electronic filing system for statements of economic interests shall include all of the following features: the necessary industry best practices to ensure that the integrity of the data and information is not jeopardized or compromised by using technology such as secured authentication, complex password requirements, secure sockets layer (SSL) technology Web encryption, enterprise-level network firewalls, complex password requirements, database encryption, password encryption, system hardening procedures, data redundancy capability, a backup and restore process, disaster recovery capability, and permanent redaction capability.

We don’t understand the use of the word “permanent” in “permanent redaction capability”. A system either has redaction capability or it doesn’t. Absent a compelling need, we suggest that “permanent” be removed. It is confusing.

3. We request clarification with regard to subdivision (e). This subdivision references Reg. 18313.6, which permits elected public officials to request some of their Form 700 information be redacted when posted on the Web. Sub. (e) of Reg. 18756 appears to permit any public official to request redaction when their form is posted on the Web. Is that correct? Is there authority to permit all officials to request this?

4. Subdivision (g) would require that an agency’s system be subject to re-certification if a “significant” change of product or system architecture takes place. We ask for clarification as to what “significant” means in this context. Can the Commission be more specific? Would a change of product be significant? Would a software or hardware upgrade by significant? It would be useful to include examples of what is a significant change to provide a guidepost for an agency to determine when it needs to submit a system for re-certification.

5. Although this is not necessarily germane to Reg. 18756, we would also like to discuss with the staff how the FPPC proposes to handle filing of electronic statements filed by local Article 2 (Sec. 87200) filers. Los Angeles County would
like to propose that the Commission require local Article 2 filers to file their statements with the local filing official (county clerk or city clerk) who would then forward the electronic information to the Commission, just as we do with paper filings. This will ensure that the local filing official receives a copy of the filer's information. We believe that this procedure will benefit the Commission staff as well.

Again, the staff of our office appreciates this opportunity to participate in the regulatory process. I plan to attend the Interested Parties meeting on November 13 in Sacramento. Our CIO, John Wei, plans to participate in the meeting by telephone.

Very truly yours,

John McKibben
Deputy Executive Officer

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