

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas Department of Transformation and Shared Services is considering a repeal of the following Rules: Rule 2014-1 State Employee Dispute Resolution Appeal Rules and Procedures; Standard Statement – Data and System Security; Standard Statement – Domain Name Service (DNS) Resolution; Standard Statement – Machine Readable Privacy Policy; Standard Statement – Physical and Logical Security; Standard Statement – Spyware Scanning; and Standard Statement – Subdomains of Arkansas.gov and AR.gov. The Department is also considering amendments to the Rule Governing Time Period of Submission for Resolution of Protested Solicitation and Awards. A public hearing will be held on October 26, 2021, at 1:30pm in the Timberlands Conference Room, 501 Woodlane Avenue, Suite 500, Little Rock, AR 72201. Written comments should be mailed to TSS, Attn: Public Comments at P.O. Box 3522, Little Rock, AR 72203. Comments may also be e-mailed to TSS.RulesComments@arkansas.gov. Copies of the proposed rule may also be obtained from the Department of Transformation and Shared Services, 501 Woodlane Avenue, Suite 101-N, Little Rock, AR 72201, or by accessing the Department's website at <https://www.transform.ar.gov/secretarys-office/legal/rules-hearings/>.

Standard Statement – Spyware Scanning

Title: Spyware Scanning
Document Number: SS-70-005
Effective Date: 9/1/2006
Published by: Office of Information Technology

1.0 Purpose

Spyware poses a significant threat to publicly-owned computers attached to the Internet due to its malicious nature. Spyware is capable of stealing information from computers, changing computer settings, logging keystrokes, and other nefarious actions without the user's knowledge. Oftentimes, antivirus software does not block spyware from infecting computers and, for this reason, technology must be used to detect, prevent, and clean spyware from machines. Arkansas government collects personal information and this information must be protected from disclosure.

2.0 Scope

This standard statement applies to all state agencies, institutions of higher education, boards and commissions.

3.0 Background

The Arkansas Information Systems Act of 1997 (Act 914, 1997) gives the Office of Information Technology the authority to define standards, policies and procedures to manage the information resources within the state. This is accomplished through work with a multi-agency working group known as the Shared Technical Architecture Team.

In addition, Act 1042 of 2001 states that the Executive Chief Information Officer oversees the development of information technology security policy for state agencies.

4.0 References

- 4.1 Act 914 of 1997: Authorized the Office of Information Technology (OIT) to develop statewide policies
- 4.2 Act 1042 of 2001: Authorized the Executive CIO to develop security policy.

5.0 Standard

- 5.1 All publicly owned microcomputer workstations and servers attached to the state network that are susceptible to infection by spyware shall have updated anti-spyware software installed and enabled.
- 5.2 At a minimum, anti-spyware definitions shall be checked weekly for updated definition files and downloaded.

6.0 Procedures

The State Security Office reserves the right to audit for compliance with this standard. Furthermore, the State Security Office has the right to grant an exception to any part of this standard.

7.0 Revision History

Date	Description of Change
9/1/2006	Original Standard Statement Published

8.0 Definitions

8.1 Spyware:

Software that modifies, through intentionally deceptive means, settings on a computer such as which page appears when a user launches his browser, the default provider of Internet services, the authorized user's list of bookmarks used to access or search the Internet, or the file on a computer used to resolve a uniform resource locator. Spyware is also defined as software that collects personally identifiable information, through intentionally deceptive means, such as the key strokes of a user, all the Internet addresses visited by the user, screen shots for a purpose unrelated to the software, and other information from a user's hard drive. In general, spyware is any software that secretly gathers information in an intentionally deceptive manner from a user's computer.

9.0 Related Resources

9.1 www.stopbadware.org

9.2 www.spywarewarrior.com

9.3 [Act 2255 of 2005 — An Act to Protect Consumers from the Improper Use of Computer Spyware : ftp://www.arkleg.state.ar.us/acts/2005/public/Act2255.pdf](http://www.arkleg.state.ar.us/acts/2005/public/Act2255.pdf)

9.4 ["Recognizing and Avoiding Spyware," Cyber Security Tip ST04-016, National Cyber Alert System, US CERT : http://www.us-cert.gov/cas/tips/ST04-016.html](http://www.us-cert.gov/cas/tips/ST04-016.html)

10.0 Inquiries

Direct inquiries about this standard to:

Office of Information Technology

Shared Technical Architecture

124 West Capitol Avenue Suite 990, Little Rock, Arkansas 72201

Phone: 501-682-4300

FAX: 501-682-2040

Email: sharedarchitecture@arkansas.gov

OIT policies can be found on the Internet at: <http://www.cio.arkansas.gov/techarch>

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
- Yes No See attached for supplemental response to the following questions

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.