Texas Cybersecurity Training What You Need to Know about HB 3834 - Question and Answer Log

DIR held a townhall on May 15, 2020 titled. "What You Need to Know about HB 3834". Click here to access to the slide deck, recording and Q&A log.

Are external providers who have Medicaid contracts for payment and use a state system to apply for a license or renew a license considered "contractors" for the purposes of needing this required training?	This question involves two questions. An applicant for a license is not a contractor merely by virtue of applying for a license. Parties who have contracts with an agency would appear by definition to be contractors. If there is any question about this, consult your legal counsel.
Can DIR legal counsel provide language or a sample letter for agency executive signoff who are training but will not be 100 percent finished by June 1st?	Agencies should maintain records of their progress in the event of other inquiries, but they are only required to notify DIR when they certify completion.
Does HB3834 apply to business or occupational license holders? i.e., if a state agency licenses people or businesses, do each of those people and business holders have to complete the training?	No.
Where do River Authorities fit in the reporting?	River authorities may be considered local governments. For HB 3834, local government is as defined in Texas Government Code 2054, which includes a county, municipality, special district, school district, or other political subdivision of the state. Consult your legal counsel for confirmation.

Will there be any updates made to HB3834 for local governments to address the heavy financial burden caused by the requirements on who is required to be trained?	Any updates would be made through the legislative process.
What about FMLA, retirees, or people on extended leave?	HB3834 includes no specific directives for these issues. Consult your legal counsel.
Where does public transit align within the certification requirements? Public transit that is not within the city organizational structure.	For HB 3834, local government is as defined in Texas Government Code 2054. Consult your legal counsel for clarification.
Has there been any consideration to allowing contractors of multiple state agencies to only have to train once with a single certified program instead of completing a training program for every agency they contract with?	State agency contractors have to take training, as selected by the agency, during the term of the contract. If an organization chooses to accept a training completed at another organization, that is acceptable.
Is there a difference between a contractor and a vendor?	HB3834 does not state any uniquely applicable distinction. Consult your legal counsel for your specific circumstances.
How did you come up with the June 14 deadline for local governments when the statute only requires training once a year?	The June 14 training deadline is based on the legislation's effective date. HB 3834 was signed on June 14, 2019 and took effect immediately. Agencies may set their own calendars for the training, provided that, from June 14, 2019 onward, the training occurs no less often than once a year,

Are Texas Education Service Centers (ESCs) considered state or local government?	According to the Texas Education Agency (TEA), Texas ESCs are considered state agencies for purposes of HB 3834. Please consult with TEA if you require further clarification.

What is the deadline for the security plan that school districts must complete?	The Texas Education Agency (TEA) manages the security plans for school districts. Please consult with the TEA for information.
All school districts must have a cybersecurity plan developed, correct?	The Texas Education Agency (TEA) manages the security plans for school districts. Please consult with the TEA for information.
What's K-12 school district cyber security plan due date? Is there a specific requirement for the plan?	The Texas Education Agency (TEA) manages the security plans for school districts. Please consult with the TEA for information.
For state agencies, who is supposed to submit the Executive Acknowledgment of Risk Form?	The Executive Acknowledgment of Risk Form has to be signed by the head of the organization, the CFO and every member of the organization's executive management.
My organization's network credentials do not enable me to open the link to the list of certified trainings. Is there another way to obtain this list?	If anyone experiences issues accessing the list of certified training programs, please email TxTrainingCert@dir.texas.gov.
Do you have to submit approved programs each year for recertification?	Yes, training programs must be certified annually. For FY20-21, the certification requirements are not changing. Therefore, programs that were certified in FY19-20 will have an expedited application process.

What do you mean by "state agency"? The 2054 definition that includes higher ed. Or the more generic term, excluding higher ed?	For HB 3834, state agency is as defined in Texas Government Code 2054, which includes institutions of higher education.
Do university board members with no access to computing systems have to train?	For state agencies, which includes institutions of higher education, elected and appointed officers of the agency must take training, regardless of whether they have access to a computer system.
What is the penalty if districts do not get 100% of staff training completed?	DIR has no enforcement authority. The legislature, auditors, etc., may issue other findings or requirements.
What will superintendents and school board have to sign off on and submission requirements?	Local governments will certify their training compliance using the Cybersecurity Training Certification for Local Governments. The form can be submitted by whomever the local government authorizes. The superintendent as an employee should be included in the district's report. There is a separate Governing Board Acknowledgement Form that can be used, if desired, as documentation of the governing body verifying and reporting on the completion of a cybersecurity training program, but it is for internal use and is not required. Board members are not required to be included in the district's certification report, unless they are also employees of the district. Please consult with your legal counsel for further clarification.

Regarding the current list of approved training providers, is the current list approved for use for next school year or will they go through another approval process? If another approval process, when will approved list be available? We need to get setup with program in June for the next school year.	The current list of certified training programs is valid through August 31, 2020. Training programs have to be certified annually. For FY20-21, the certification requirements are not changing. Therefore, we do not anticipate many programs dropping off that list. Applications for FY20-21 will be accepted from June 1, 2020 - July 31, 2020. On August 31, 2020, we will publish a new list of certified training programs.
Do we have to train transportation, cafeteria, custodial and other staff that have not a computer assigned to them and nor used a school district computer?	For local governments, any employee any person who has been given an account to access any local information system, is required to take annual training. If the employee does not access any IT resources, then no, they are not required to take training.
We have a large corporate vendor who does their own in-house security training, can they have their in-house training certified? They are not headquartered in Texas.	Vendors can submit their in-house security training program for certification. They should specify the eligible users in the application.
Let us say the local government entity has 90% staff trained. Can they fill the completion form and put in comment section 90% completion?	Agencies should maintain records of their progress in the event of other inquiries, but they are only required to notify DIR when they certify completion.

Could the video you just mentioned work for contractors?	DIR's training program, Cybersecurity Awareness Training, is a certified program and is available to anyone who needs to meet the training requirements of HB 3834, and based on each organization's preference.
Our training program is recently certified, and good until August 31. Can we submit application for next year starting June 1 or do we wait until after August 31 to submit for certification?	Applications for FY20-21 will be accepted from June 1, 2020 - July 31, 2020. Programs that were certified in FY19-20 will receive instructions via email on how to recertify.
I thought the Texas by Texans window closed?	Organizations that wish to use TxT can still indicate their interest by submitting the House Bill 3834 Texas By Texas Self Reporting Form, https://www.surveygizmo.com/s3/5469429/House-Bill-3834-Texas-by-Texans-TxT-Self-Reporting.
If a K-12 School district has elected officials that are not paid, those districts would not need to report compliance for those officials?	For local governments, elected officials must take training, regardless of whether they have access to a computer system, and regardless of whether they are paid. The reporting of compliance by the aforementioned elected officials does not need to be reported to DIR.
Is it not a "use computer 25% of the time" that requires security training, not just any use as in custodial worker?	For state agencies, any employee who uses a computer to complete 25% of their duties, is required to take annual training. For local governments, any employee who has been given an account to access any state (or local) information system, is required to take annual training.

Could an agency use a different method of training for elected officials and contractors than they use for employees?	All certified programs meet the requirements of HB 3834 and can be used to meet the training requirement, based on each organization's preference.
If our training platform offers an updated version of a certified training module, and the updated version has not been certified, can the updated version still be used if it is substantially like the certified version?	A training program is a specific set of modules that is assessed against the requirements of HB 3834. If there is an updated set of modules, a new application needs to be submitted.
Do we have to submit two separate attestations of training, one for employees and one for contractors (via Purchasing)?	State agencies must certify their employee and contractor training compliance in the Agency Security Plan. This will be done using the Executive Acknowledgment of Risk Form.
Does vendors like Microsoft who has access to organization data need to take this training?	For state agencies, only contractors who have been given an account to access any state information system have to take training. This would generally exclude vendors like Microsoft unless they are specifically given an account.
We are a provider of a certified course. We may decide to change our course for our members. Do you know how long the review/re-certification process will take?	Applications for FY20-21 will be accepted from June 1, 2020 - July 31, 2020. On August 31, 2020, we will publish a new list of certified training programs. We anticipate sending disposition notices 2-4 weeks after an application is received.

Do school districts count as local governments or state agencies?	For HB 3834, local government is as defined in Texas Government Code 2054, which includes school districts.
We have substitutes that substitute for our school nurses. Do these need to get trained?	For local governments, any employee who has been given an account to access any local information system, is required to take annual training. If the substitutes are employees with access, then yes, they are required to take training. If the substitutes are contractors, they are not required to take training.
We are using a presentation created by another district. We updated the links and logos. We are not changing the content but add some content. Is this approved?	If any of the program's core content is being changed, then it needs to be submitted for certification. In addition, large content additions to sections of a training that have already been certified should be reviewed by your information security or cybersecurity officer to ensure it does not negate prior content.
For contractors, do all employees of the company holding the contract have to be trained or only those accessing the governmental system.	For state agencies, only contractors who have been given an account to access any state information system have to take training.
Where do we find a list of the specific training required?	The list of certified training programs is on the DIR website, https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154.

Will DIR offer the SANS training again next year?	DIR holds a contract with SANS Securing the Human, which provides training licenses for some state agencies and institutions of higher education. The current contract started January 1 and ends December 31. The renewal process has not started yet. We will provide updates on the plans for calendar year 2021.
How should we handle new hires being required to complete the training?	Each organization should develop internal policies regarding when new employees take their training. If employees take training annually, that complies.
If we have a School Board member that to be trained because of their job do they have to do the district training also?	All certified programs meet the requirements of HB 3834 and can be used to meet the training requirement, based on each organization's preference. If an organization chooses to accept a certified training completed at another organization, that is acceptable.
Which auditors are you referring to that might ask for certification records?	HB 3834 requires the governing body of a local government or the executive head of a state agency to require periodic audits to ensure compliance.

If not already asked - is there a way to get a report of who has completed the training from the DIR portal? Just trying to figure out how to document every active employee has completed the training since we do not manage the training portal like we would for our internal training programs?	For Texas by Texas, we will send detailed training records to each organization.
Can you please clarify on who needs to take the training? Using for an example where the custodial staff has an email but barely uses a computer to do their job, you said they must take the training. Legislation says only employees using computers to do 25% of their job need to take the training. Surely, a custodial staff or a grounds maintenance staff with an email does not equal using a computer to do 25% of their work?	There is a different threshold for state agencies and local governments. For state agencies, employees who use a computer to complete 25% of their duties must take training. For local governments, employees with access to a local computer system must take training.
How should this be approached if a portion of your Service Desk support is contracted out?	For state agencies, contractors who have been given an account to access any state information system have to take training. For local governments, contractors do not have to take training, although we encourage them to.
How do we reach out to your team directly to ask oddball questions that come up?	Email any questions to TxTrainingCert@dir.texas.gov.

Can the Information Security Officer (ISO) role be held my IT staff?	Generally, the ISO would be within the IT department. If this question is about the exception that is available to local governments that employ a dedicated information resources cybersecurity officer, please refer to the DIR website for the requirements of that exception.
Does DIR certified in person training require an assessment as part of the training?	Certified training programs are not required to have assessments, but training providers can choose to include assessments as part of their program.
If the school district contracts our food service out and they use the local government network do they have to take the training?	For local governments, contractors are not required to take training.
At the school district, if custodians have an email account, are they supposed to take the cybersecurity training? They rarely use a computer.	For local governments, any employee who has been given an account to access any local information system, is required to take annual training. So, if they have been given an account, then yes, they need to take training.
Would it be possible to have clarification issued to define the term "contractor"? Is it supposed to be limited to vendors of goods and services and public works contractors, or does it include other relations that would be considered contractual, such as grant recipients and holders of state-issued licenses?	HB3834 does not provide specifically applicable definitions. Consult your legal counsel.

We purchased a certified course and are in the process of training - we setup a cybersecurity training 2 years ago and used a vendor that did not get certified by the state. Do we get any reprieve this year for any that took our non-certified course versus the certified course?	The only exception to using a certified training program is for local governments that employ a dedicated information resources cybersecurity officer. Refer to the DIR website for additional details on this exception.
Can we change the assessment questions if we keep the content the same? Would we have to have the questions re-certified?	The training program assessment does not include a review of assessment questions; therefore, the assessment questions can be changed without the program having to be resubmitted for certification.
Do unpaid interns or volunteers must take the training?	If the interns or volunteers are considered employees, the usual thresholds apply for state agencies, using a computer to complete 25% of their duties, for local governments, access to a local computer system. Consult your legal counsel for additional guidance.
Do we need to train board members who are appointed by the governor and only receive a stipend/expense reimbursement?	For local governments, appointed officials are not required to take training. For state agencies, appointed officials are required to take training.

Our board is made up of volunteers. Do they need to also take the training?	For state agencies, appointed and elected officers are required to take training. For local governments, elected officials are required to take training. These requirements are regardless of having access to a computer system, and regardless of whether they are paid.
how about local Utility Board of Trustees that are appointed?	For state agencies, appointed officers are required to take training. For local governments, appointed officials are not required to take training.
Have contractors on DIR's approved vendor list been notified of this requirement or is it up to the agency to do so?	DIR has notified the cooperative contract vendors of the requirement. However, it is up to the agency hiring the contractor to specify any additional requirements and to verify completion of the training.