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CYBER ATTACK INVESTIGATION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Cyber-Attack Investigations Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York 11787 on May 1, 2023

Members Present:

- Legislator Anthony Piccirillo - Chairman***
- Legislator James Mazzarella - Vice-Chair***
- Presiding Officer Kevin McCaffrey - Member**
- Legislator Robert Trotta - Member**
- Legislator Jason Richberg - Member**
- Legislator Sarah Anker - Member**

Also in Attendance:

- Hon. Richard Donoghue - Special Counsel***
- Legislator Al Krupski - District #1***
- Legislator Leslie Kennedy - District #12***
- Frank Tassone - Clerk of the Legislature**
- Hope Clark - Chief Deputy Clerk of the Legislature**
- Derek Stein - Aide to Legislator Krupski**
- Jamima Chowdhury - CE's Office/Intergovernmental Relations**
- Peter Schlusser - Representing Himself**
- All Other Interested Parties**

Minutes Taken By:

- Alison Mahoney - Court Stenographer**

*(*The meeting was called to order at 11 a.m.*)*

CHAIRMAN PICCIRILLO:

Good morning. The Committee on Special Investigations of the Cyber Attack will come to order. If we can please rise for the Pledge of Allegiance and stay standing for a moment of silence led by Legislator Trotta.

Pledge of Allegiance

Moment of Silence Observed

Thank you. Good morning, Mr. Clerk.

CLERK TASSONE:

Good morning, Mr. Chairman.

CHAIRMAN PICCIRILLO:

Roll call, please.

*(*Roll Called by Frank Tassone - Clerk of the Legislature*)*

CHAIRMAN PICCIRILLO:

Present.

LEG. MAZZARELLA:

Present.

LEG. ANKER:

Here.

LEG. TROTTA:

Here.

LEG. RICHBERG:

Present.

P.O. McCAFFREY:

Here.

CLERK TASSONE:

Six.

CHAIRMAN PICCIRILLO:

Thank you, Mr. Clerk.

We've had correspondence already delivered, so I appreciate that.

Just for an opening statement real fast by the Chair and then I will turn it over to Special Counsel. I would just like to welcome everybody here this morning. And I would like to reiterate that we are working to find out the who, the how and why the cyber-attack occurred and how we could prevent something like this from happening again.

1 I just want to thank my colleagues on this committee and Special
2 Counsel Donoghue for the work that we've done so far and I look
3 forward to continuing that work so we can get answers for the
4 people of Suffolk County. So without any further ado, the Chair
5 recognizes Special Counsel, the Honorable Richard Donoghue.

6
7 **SPECIAL COUNSEL DONOGHUE:**

8 Thank you, Mr. Chairman. Once again, I'd like to thank the
9 committee and the Legislature for giving us the opportunity to work
10 on this important matter on behalf of the people of Suffolk County.

11
12 As the County and the committee know, we have made several reports
13 to the committee in Executive Sessions thus far about the progress
14 we've made. I would say we have made real progress, but we are
15 still under way. We have reached no final conclusions with regard
16 to the investigation; however, we have made some preliminary
17 observations that we are discussing with witnesses. Thus far we've
18 interviewed nine witnesses. As the committee knows, we made
19 requests to the County Executive's Office back in January and
20 February of this year. As of last night, the outside counsel
21 working on that matter for the County Executive's Office has
22 informed me that they have not completed their productions pursuant
23 to those requests, but that they are close.

24
25 Thus far, we have received more than 20,000 documents, mostly
26 comprised of e-mails, but we also received data maps, forensic
27 reports from Palo Alto, Trace-Point and other forensic technology
28 vendors.

29
30 Most importantly, we received the Palo Alto report dated April 3rd,
31 2023, which is the final Palo Alto report relating to the cyber
32 breach of 2021, 2022 here in the County. We are in the process of
33 having an independent vendor analyze that report to give the
34 committee and the Legislature an independent opinion and view as to
35 the observations and conclusions in that report.

36
37 There are a number of things, much of which has already been
38 publicly stated in other forums, but there are a number of things
39 that we have identified thus far and concluded thus far. First is
40 that the County did not have cyber breach insurance; I know that
41 the County Executive and some others have commented on this. It's
42 apparent that the County did not qualify for cyber breach insurance
43 for a number of reasons. It's also apparent that the County did
44 not have a cyber breach remediation or recovery plan in place, and
45 that likely contributed to the long recovery period.

46
47 It's also apparent that the County did not fully implement the
48 recommendations from the 2018 Cyber Health Check-Up. And it's
49 further apparent that the County did not fully comply with the
50 requirements of legislation passed by this body to have the County
51 Executive's Office report to it on the status of the County's cyber
52 posture and cyber security prevention methods prior to the breach
53 of 2021-22.

1 We are looking at, obviously, a variety of issues, technology
2 issues, personnel issues, training issues, policy issues.
3 We continue to look at the claim that the County technology
4 environments were siloed in such a way that the County was
5 vulnerable to this type of attack. We have drawn no final
6 conclusions with regard to that, but as the committee knows, we've
7 interviewed a number of witnesses, they have their own views on
8 these things and we are reporting those to the committee and having
9 the forensics experts assess the forensic evidence so that we can
10 determine exactly how this happened and how we can prevent it from
11 happening going forward.

11:05AM

12
13 Unless the committee has questions before we go into Executive
14 Session, that concludes my presentation of the overview of the
15 efforts thus far.

16
17 **CHAIRMAN PICCIRILLO:**

18 Thank you, Mr. Donoghue. Any questions from Legislators?

11:05AM

19
20 Okay, seeing none, I'll entertain a motion to go into Executive
21 Session. Motion by the Presiding Officer, second by the Minority
22 Leader. Anyone on that motion? All those in favor? Opposed?
23 Abstentions?

24
25 **CLERK TASSONE:**

26 *Six.*

27
28 **CHAIRMAN PICCIRILLO:**

29 We are now in Executive Session, we're going to go into the back.
30 Thank you, folks. We'll be back.

11:05AM

31
32 *(*Executive Session: 11:05 a.m. - 12:23 P.M. *)*

33
34 **CHAIRMAN PICCIRILLO:**

35 We have motion to come out of Executive Session; motion by the
36 Presiding Officer, second by the Minority Leader. Anyone on the
37 motion? Seeing none, all those in favor? Opposed? Abstentions?

38
39 **CLERK TASSONE:**

40 *Six.*

12:23PM

41
42 **CHAIRMAN PICCIRILLO:**

43 We are out of the Executive Session.

44
45 I just want to thank Special Legislative Counsel for the update.
46 And at this time the Chair recognizes the Minority Leader.

47
48 **LEG. RICHBERG:**

49 Just to clarify, Counsel and to Special Counsel, we went into
50 Executive Session to discuss the ongoing investigation as well as
51 the work that our Special Counsel is doing; am I correct?

12:24PM

52
53 **COUNSEL DUFFY:**

54 Yes. And speaking of that in public could jeopardize sensitive
55 information and the investigation itself.

1 **LEG. RICHBERG:**
2 Thank you very much.

3
4 **CHAIRMAN PICCIRILLO:**
5 Thank you, Mr. Minority Leader.

6
7 And just for some housekeeping, the next scheduled meeting of this
8 committee will be May 8th at 9 a.m. here in this building at 9 a.m.

9
10 12:24PM Mr. Donoghue, do you have anything else that you'd like to address?
11 The Chair recognizes Special Counsel.

12
13 **SPECIAL COUNSEL DONOGHUE:**
14 Mr. Chairman, I just want to thank the committee for the
15 opportunity in the Executive Session to give a much more detailed
16 account of the progress of the investigation thus far.

17
18 As we discussed, the investigation is ongoing. We have another
19 round of witnesses, we're about to start interviewing very soon.
20 12:24PM We will have additional information collected from the County
21 Executive's Office and analyzed by independent technology vendors
22 and we will proceed from there. But I want to thank the committee
23 for the opportunity to fill you in today.

24
25 **CHAIRMAN PICCIRILLO:**
26 And thank you for that information; it was very, very helpful.

27
28 Any other questions or comments from members of the committee?

29
30 12:25PM **LEG. RICHBERG:**
31 Motion to adjourn.

32
33 **CHAIRMAN PICCIRILLO:**
34 Motion to adjourn by the Minority Leader.

35
36 **P.O. McCAFFREY:**
37 Second.

38
39 **CHAIRMAN PICCIRILLO:**
40 12:25PM Second by the Presiding Officer. Anyone on the motion to adjourn?
41 Seeing none, all those in favor? Opposed? Abstentions?

42
43 **CLERK TASSONE:**
44 Six.

45
46 **CHAIRMAN PICCIRILLO:**
47 We stand adjourned.

48
49 *(*The meeting was adjourned at 12:25 p.m. *)*