

**Minutes
Arkansas Psychology Board
101 East Capitol, Suite 415
Board Meeting
June 15, 2007**

CALL TO ORDER

The meeting was called to order by Mr. Dwight Sowell, Chair, at 1:30 p.m.

Board Members present: Dr. Joe Alford, Dr. Russell Dixon, Ms. Jane English, Dr. Sabra Hassel (teleconference), Dr. Bettye Hoffman (teleconference), Dr. Tom Poling and Mr. Dwight Sperry (teleconference).

Staff Members present: Ms. Amy Ford, Ms. Janet Welsh and Ms. Rebecca Wright.

Guests present: Dr. Dale Cordes, Ms. Stacy Dixon, Dr. Robert Doyle, Mr. Jim DuPriest, Dr. Edward Kleitsch, Dr. Craig Provost, Dr. Kevin Rowell, and Dr. Gary Souheaver.

Meeting Agenda

The meeting was called to discuss the release of sensitive information on the Board's website and the corrective actions taken.

NEW BUSINESS

Mr. Sowell stated that the Board members understand that the licensees affected by the release of sensitive information have personal concerns. He provided the background information of the release of information.

By law, the Arkansas Psychology Board must report quarterly the licensee information, including social security numbers and date of births, to the Office of Child Support Enforcement (OCSE). The export is in Excel format. The licensee information exported from the database includes this information and it was not deleted before being added to the website.

After each Board meeting, the database records are updated to include newly approved supervisors. A new export is made and from that export, the approved Supervisors list, typically included on the website, is made.

After the May 18, 2007 Board meeting, when the updated approved Supervisors list was created, the social security number and date of birth columns were not deleted. The list was then posted on the website.

On May 30, 2007, the Board staff was notified by a licensee that the sensitive information was on the list that was posted on the website. The list was immediately updated by deleting the social security number and date of birth columns.

On June 5, 2007, the Board staff was notified by another licensee that the list had been cached on the Google search engine. The Information Network of Arkansas (INA) was notified because they provided the Google search function for the Board website. Because the Board collects fees, INA must host the Board website.

On June 5, 2007, Aaron Titus, a consumer advocate, found the cached file on Google. Mr. Titus directly emailed the licensees included on the list about the cached file. His email was received by the licensees on June 9-10, 2007.

During the week of May 30 - June 8, 2007, the Board staff and INA were working to have the information removed from the Google search engine and any other search engines that may have picked up the list.

On June 6, 2007, the staff contacted GL Suite, the database company, and requested that the export function be updated to not include the social security number and date of birth information. This task was completed on June 15, 2007.

On June 11, 2007, the Board Chair, Dwight Sowell, and the Board's Assistant Attorney General, Amy Ford, were notified by Executive Director Janet Welsh of the release of information and of the list being cached on major search engines. They were notified that the list was not being removed successfully, with the help of INA, from the major search engines on the internet.

During the week of June 11-15, 2007, each Board member was notified of the release of information and the cached file(s).

On June 12, 2007, the Executive Director filed a police report with the Little Rock Police Department.

On June 12, 2007, a letter of notification along with a Frequently Asked Questions (FAQ) page concerning release of sensitive information and identity theft was emailed and mailed to the affected licensees. An updated letter was sent on June 14, 2007 of the current status.

On June 15, 2007, the Board office was notified that morning that all cached files on major search engines had finally been removed. Dr. Joe Alford stated that the active leadership of the Arkansas Psychological Association (ArPA) took the lead in having this information removed from the internet.

Mr. Sowell extended his thanks to the Attorney General's office for working quickly to have the information removed from the major search engines. The Chief of Staff of the press office, Senator Mark Pryor's office, and many attorneys worked diligently to have the information removed.

Dr. Alford stated that there were concerns about the slow notification to the licensees. Dr. Alford stated that the Executive Director of the office was slow with notification and that the

licensees should have been notified immediately. Dr. Russell Dixon and Dr. Sabra Hassel agreed with the concerns and stated that they had heard from other licensees the same sentiment.

Mr. Dwight Sperry agreed with the stated above, however, he wanted those involved to know that many licensees understood that a mistake was made and that the release of information was not intentional.

Dr. Dixon made a motion to offer a letter from the Board addressed to each affected licensee explaining what happened and to include a copy of the police report. Dr. Hassel made a motion to amend Dr. Dixon's motion to include an FAQ page from the Attorney General's office that also included what to do in case of identity theft and what type of services were available to monitor and protect the affected licensees' credit. Dr. Alford seconded the amended motion. Dr. Bettye Hoffman abstained. The motion passed. Dr. Alford seconded the motion with amendment. Dr. Hoffman abstained. The motion passed.

Jim DuPriest, deputy of the Public Protection Department of the Attorney General's office, stated that the licensees can be advised with information concerning identity theft. Investigators are available in the department to help with those who are victims of identity theft.

Dr. Robert Doyle asked that a statement be included in the above letter to ask all licensees who have downloaded the file to their computer to delete the file and link information. The information can be cached in a personal or work computer and major search engines can pick up the information again.

Dr. Gary Souheaver requested that the above letter be released by Monday, June 18, 2007.

Dr. Kevin Rowell stated a concern of the police report including an excel list, similar to the one included on the website, be disseminated to the affected licensees. Dr. Souheaver stated that in legal cases, the document can not be altered or it would be inadmissible. The Board will include the excel list that was included with the police report.

Dr. Dale Cordes stated a concern that her home address was on the excel list. The Board staff will work to update how addresses are maintained in the database and will work to provide an option of having a publishing address and a correspondence address of each licensee.

Dr. Hassel stated a concern that the Board must have social security numbers and date of births of applicants and licensees on file. She also had concerns that the Board was sharing this information, such as to the OCSE, without the licensees being made aware. Ms. Ford stated that the OCSE is mandated by law to request this information from all state agencies. She did not find anything stating that the licensees must be notified of this release of information.

Dr. Dixon stated that a credit monitoring service could be provided to the affected licensees paid for by the Board and to provide reimbursement to those who have already purchased a credit monitoring service.

Dr. Doyle stated that identity theft is a crime of opportunity. Identity thieves work very quickly to get sensitive information, use the information for 24-48 hours, and then get rid of the information. A reasonable credit monitoring service would include one (1) to two (2) years of monitoring. Dr. Rowell stated that he had spoken to a credit card company that stated the same.

Mr. DuPriest stated that identity theft is opportunistic and though the information can be passed around, it is typically dumped quickly. He stated that because the release of the information by the Board was not intentional and the mistake was able to be corrected, the risk is low for the affected licensees to have their identities stolen.

Dr. Craig Provost stated that Dr. Nicholas Demara, who was an affected licensee, did receive notice of unusual activity on one of his accounts. Soon after, he received the email from Aaron Titus.

Dr. Souheaver strongly recommended that action be taken now to avoid any identity thefts. Mr. DuPriest stated that if the licensees feel victimized by the state, they can place a temporary fraud alert on their credit. If the person is a victim of identity theft, there is a broader and longer package. These items require submitting an application.

Dr. Dixon made a motion that the Board research credit monitoring services and provide up to one (1) year of the service to the affected licensees, or provide a reimbursement, within reason, to those who have already purchased a credit monitoring service due to the Board's release of sensitive information. Dr. Alford seconded the motion. The motion passed unanimously.

Ms. Welsh stated that there are services that can issue one policy and individuals would be provided a code to access the policy. This could help to keep the fees reduced.

Ms. Ford stated that the Attorney General's office would provide several program options at the July 20, 2007 Board meeting. She stated she would be absent but would have a substitute in her place.

Dr. Souheaver stated on behalf of ArPA that the Board update its processes to ensure that sensitive information is not released. Dr. Souheaver suggested that licensees' addresses be available to choose which is used for publication and which is used for Board correspondence.

The Board recessed at 2:30 p.m. for ten (10) minutes.

The Board reconvened at 2:40 p.m.

The Board discussed the current license renewal form and how licensee addresses were collected. The Chair asked the staff members to contact GL Suite to discuss making changes to allow licensees to choose which address to publish and which to use for Board correspondence.

Dr. Dixon requested that the Board enter in to Executive Session to discuss the employment of the staff members and to discuss disciplinary actions of the staff members. The Chair stated that

although there is a concern, the Board did not have enough background information of what the office policies/procedures were, who all was involved in the release of information or who all was involved in taking corrective actions. Discussion followed.

Dr. Dixon made a motion that the Board enter into Executive Session to discuss the employment of the staff members and to discuss disciplinary actions of the staff members. Dr. Alford seconded the motion. The motion passed unanimously. The staff members, the Assistant Attorney General to the Board and the guests were asked to leave.

The Board entered Executive Session at 2:50 p.m.

The Board opened the meeting to the public at 3:30 p.m.

Dr. Dixon made a motion to have a third-party investigator come to the Board office and investigate how the licensees' sensitive information was released. Mr. Sperry seconded the motion. The motion passed unanimously. Dr. Alford stated he would find an investigator that would not have conflict of interest.

Mr. Sowell stated that a personnel committee consisting of Dr. Alford and Mr. Sperry would be created. The committee would supervise and direct the staff and oversee office procedures. Dr. Alford and Mr. Sperry have experience with management and personnel issues.

Dr. Dixon made a motion to suspend Ms. Rebecca Wright from online computer activity during the investigation. Dr. Alford seconded the motion. Dr. Dixon voted yes. The remaining Board members voted no. The motion failed.

Dr. Dixon made a motion to adjourn. Ms. Jane English seconded the motion. The motion passed unanimously. The meeting was adjourned.