



February 29, 2012

The Honorable Joseph Lieberman
706 Senate Hart House Office Building
Washington, DC 20515

The Honorable Susan Collins
413 Dirksen House Office Building
Washington, DC 20515

Re: Cybersecurity Act of 2012

Dear Chairman Lieberman and Ranking Member Collins,

CompTIA has appreciated the opportunity to participate in substantive discussions with your respective legislative staff to discuss ways to improve our cybersecurity ecosystem. The process leading up to the introduction of the proposed legislation has been open and deliberative and we commend you for adopting such an approach toward these very important issues. We believe that the Cybersecurity Act of 2012 will help protect many components of this ecosystem, such as critical infrastructures, information sharing practices, and reforming the Federal Information Security Management Act.

In addition, we take note of Title IV on education, recruitment, and workforce development. As the leading global provider of vendor neutral IT workforce certifications, and as a participant and partner with the federal government through programs such as the DOD 8570 directive and other efforts to ready the workforce, we welcome the efforts of this section of the proposed legislation to embrace cyber challenges and other incentives, as well as call on federal agencies to continue to refine and align how information assurance jobs and requirements are defined across the government.

However, among the most significant issues for the vast majority of small to medium size IT firms, which account for over 90% of the IT sector, the number one issue is data breach. Unfortunately, data breach notification requirements are not part of the current legislation.

Currently, there are over 45 states with some type of data breach notification requirement. This is one of the biggest obstacles to any entrepreneur or small firm trying to break into IT sector either as a managed service provider, a value added reseller or an IT firm providing online IT services. The problem small and medium size businesses encounter is having to expend what limited resources a firm may have to ensure compliance with the patchwork of the state data breach laws.

Small and medium size businesses can easily sink under the weight of these varying and sometimes conflicting state laws. For example, small to medium size IT firms are forced to navigate through individual state data breach requirements to:

- Understand what type of entity is covered by the law,
- Understand under what circumstances is a state notice requirement triggered,
- Determine what is an acceptable form of customer notice,
- Review state laws to understand possible exceptions to a particular notice requirement,
- Identify the correct parties to whom the notices must be provided, and
- Understand whether the state provides for a private right of action.

CompTIA firmly believes that a comprehensive national data breach requirement will foster greater competition and greater innovation in the IT sector because it will lower a significant barrier to entry. Such an approach would help reduce, if not eliminate, barriers to entry for firms focused on providing cybersecurity products and services, while also reducing unnecessary costs for the entire industry.

We would welcome the opportunity to meet with your staff to discuss this matter in more detail. Once again, we applaud you for your efforts to introduce the Cybersecurity Act of 2012, but we

also urge to move forward with the creation of an amendment aimed at creating a national and uniform approach to data breach notification requirement.

Sincerely,

A handwritten signature in black ink, appearing to read 'TThibodeaux', with a stylized, cursive script.

Todd Thibodeaux,
Chief Executive Officer

About CompTIA: The Computing Technology Industry Association (CompTIA) is a non-profit trade association representing the \$3 trillion global information technology (IT) industry.

CompTIA's membership includes over 2,000 members and 1,000 business partners. Our members are at the forefront of innovation and provide a critical backbone that supports broader commerce and job creation. These members include computer hardware manufacturers, software developers, technology distributors, and IT specialists that help organizations integrate and use technology products and services. As a trade association, CompTIA is also the leading global provider of IT workforce certifications. Currently there are over 1.4 million CompTIA IT certification holders worldwide, and many of those are for IT security.

cc: members of HSGAC