

December 5, 2016

Mr. William Mulrow
Secretary to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Dear Mr. Mulrow:

New York State government and the business community have a common goal; to protect consumers and businesses from serious economic harm that can and does result from cyber-attacks. Cybersecurity is without question a top priority for the business community.

However, the Department of Financial Services' proposed rule on Cybersecurity Requirements for Financial Services Companies fails to advance that goal. It is seriously flawed as demonstrated by the concerns raised in the extraordinary number of comment letters submitted to the Department.

Effective cybersecurity requires businesses to adapt to a constantly changing environment. The prescriptive nature of a one size fits all policy that is promulgated in the rule prevents businesses of varying shapes, sizes and resources to manage their differing degrees of threats, which can be unique to each industry or business.

The undersigned strongly recommend the incorporation of a risk-based approach to cybersecurity policy. This will enable covered entities to adapt over time to changes in technology and the evolving cybersecurity landscape. Additionally, we encourage postponing the January 1, 2017 effective date and extending the transitional period to allow for necessary analysis and discussion. We have commented individually and collectively to the Department and to Superintendent Vullo raising these general concerns as well as detailed analysis of the provisions of the proposed regulation.

We urge an open dialogue between the Executive branch and the business community to produce a cybersecurity regulation that fosters a healthy business climate, economic growth and jobs for the State of New York.

Sincerely,




Heather C. Briccetti, Esq., President and CEO
The Business Council of New York State, Inc.



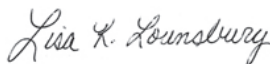
Kristina Baldwin, Vice President
Property Casualty Insurers Association of America



Lawrence Holzberg, President
NAIFA-NYS



Alison Cooper, Vice President Northeast Region
American Insurance Association



Lisa Lounsbury, Interim President & CEO
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Cate Paolino, Director, State Affairs, Northeast Region
National Association of Mutual Insurance Companies



John C. Parsons, II, President
Professional Insurance Agents of NY



John J. Witkowski, President & CEO
Independent Bankers Association of NYS

Cc: Alphonso B. David, Esq.
Counsel to the Governor