

Approved Minutes

**VITAL RECORDS IMPROVEMENT FUND
ADVISORY COMMITTEE**

-MINUTES-

**Thursday
September 19, 2002**

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Vital Records Improvement Fund Advisory Committee Meeting

September 19, 2002

Health & Welfare Building
Conference Rooms 110-111
6 Hazen Drive
Concord, New Hampshire 03301

COMMITTEE MEMBERS PRESENT:

Patricia Little, City Clerk Member
William R. Bolton, Jr., State Registrar
Dr. Frank Mevers, State Archivist Appointment
Linda Hartson, Exeter City Clerk, City Clerk Appointment
Tom Janosz, Funeral Director Appointment
Paul Bergeron, Nashua City Clerk, City Clerk Appointment

COMMITTEE MEMBERS EXCUSED:

William Armstrong, IT Manager, DITM Appointment
Thomas A. Andrew, MD, Physician Appointment
David Kruger, Public Member Appointment
Jane Ireland, Town Clerk Member

GUESTS:

Dr. Jesse Greenblatt, Director, Division of Epidemiology and Vital Statistics, OCPH
Melanie A. Orman, Program Specialist, DEVS
Barbara Kostka, Executive Secretary, DEVS
John O'Neal, Office of Information Systems
Mark Parris, Office of Information Systems
Jennifer Taylor, Health Statistics, Division of Epidemiology and Vital Statistics, OCPH
Steve Norton, Director of Knowledge, DHHS
Frank Nachman, Legal Counsel, DHHS
Brook Dupee, Assistant Director, OCPH
Rick Bailey, CIO, Office of Information Systems, DHHS
Steve Wurtz, Supervisor of Registration/Certification, DEVS

Vital Records Improvement Fund Advisory Committee Meeting

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1. Approval of Minutes:

The first order of business was the July 18, 2002 minutes. Ms. Little stated that the minutes had been distributed electronically and asked if there were a motion to accept them. Dr. Mevers replied that he wanted to make that motion. Another committee members seconded that motion and Ms. Little asked if there was any discussion. Mr. Bolton replied that Ms. Hartson had been identified as a City Clerk and she was indeed a Town Clerk appointment.

Ms. Little asked if there were any other corrections. Hearing none, she asked the committee to vote to accept the minutes. Committee members voted unanimously to accept the minutes with the correction Mr. Bolton outlined. Ms. Little stated that she valued the minutes and appreciated their quality, but missed them being available online. Mr. Bolton replied that he hoped that they would have that capability again soon.

2. Vital Records Privacy & Statistics Procedure:

Mr. Norton stated that he and Ms. Taylor were at the meeting to respond to the committee's request for information. He was prepared to discuss the nature of warehousing and its importance in the vision for Vital Records and the State of New Hampshire. He explained that he had provided documentation to the committee identifying some critical issues at a very high level.

Those issues were associated with warehousing and a very specific example of how the information that is collected in vital records is critical to their understanding of the services that the department provides. What he and Ms. Taylor were hoping to do was to provide the committee with a sense of the urgency of this type of initiative calls for. They wanted to show how important this initiative could be to the state by identifying how they are mandated to provide information to the public relating to vital records information and how that information could be used.

Mr. Norton explained that they would take a brief look at some of the legal requirements that they have in that arena to identifying how warehousing fits into it. He and Ms. Taylor also wanted to answer any subsequent questions the committee might have. Mr. Norton introduced Mr. Frank Nachman, chief legal counsel for the department. Mr. Nachman had been working internally to make sure that we are all adhering to the privacy and confidentiality rules as well as with some of our external partners. With that Mr. Norton turned it over to Ms. Taylor. Ms. Little welcomed Mr. Nachman and Ms. Taylor.

Ms. Taylor thanked the committee for inviting she and Mr. Norton back. She explained that she had brought a lot of information for the committee. The first thing Ms. Taylor wanted to discuss was her staff handle vital record data in terms of the privacy of that data and the security of the environment in which it sits and the access of certain people to that data through certain mechanisms. She briefly reminded that committee of who the Health Statistics and Data Management team was and what their mandates were. Ms. Taylor wanted to also touch on why warehousing was such a priority for them, to explain the physical security of their office environment and to provide an overview of data

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access in terms of their operations and then what they call internal and external customers.

Ms. Taylor explained that her bureau was in the same division as Vital Records and has a strong commitment to serve and support all members of the department of Health & Human Services with information they need for decision making based on the information that her bureau is steward of. She explained that their *modus operandi* is at all times to protect and maintain the confidentiality of the data they have. Some of which is patient level data and some has some identifying information that could be used to constructively identify an individual.

The Bureau of Health Statistics & Data Management staff takes that task very seriously. There are actually some people that get really angry with them because they often encourage requesters to let the bureau do the analysis for them. That lessens that chance that any unnecessary information is released. Only the information a requester needs to make decisions is released. Ms. Taylor assured the committee that her team takes that role very seriously even though it does not make them popular.

The bureau is working under statutes that tell them what they are supposed to be doing in terms of releasing data to qualified academic researchers and aggregate statistics to those that have a need for it. One of the things they do with scientists is to make sure that data is used appropriately and therefore try to provide technical assistance to folks that have asked for analysis and to researchers getting data. They use a “minimum standard orientation” and that is somewhat in keeping with HIPAA (Health Insurance Portability and Accountability Act) guidelines.

The Health Statistics & Data management staff only want to release the minimum amount of data needed to get the job done and expect those requesting data to request only the minimum amount needed. There is a lot of internal assessment about what requesters truly need to get the job done. Because of those requirements, they take great care to ensure the integrity of their data and do constant data quality monitoring of all data sets.

Ms. Taylor explained that even though they were at this meeting to discuss Vital Records data, the Bureau of Health Statistics & Data Management is steward for many other data sets. They also maintain all hospital discharge data, the state cancer registry and data from a phone survey of New Hampshire adults. She then explained all the different ways that the data is used. One of the new ways it is being used, or will be used is to help programs show their progress.

Many state supported programs are now being mandated to show their progress to support funding and this data will allow them to do that. They have to demonstrate where their efforts have made a difference and they need statistics to do that. Ms. Taylor explained that she would not go through the entire list of data users and uses, but would be happy to send a copy of the PowerPoint presentation to Ms. Little. Ms. Little thanked her and replied that she would like that.

Ms. Taylor reported to the committee that warehousing was a business imperative for her bureau. She explained that all of the data sets she had mentioned sit on their T drive and can often cause the system to crash. One data set alone has one half million records. If all staff are on at the same time it can overwhelm the system. As more and more people

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request information they need to ensure that they will be able to respond to those people efficiently and effectively. The warehouse can provide them some efficiency. Some requests are made annually and with the warehouse those data sets could be stored and repeated without having to be recreated each year.

Ms. Little asked if Ms. Taylor meant that the query formulas would be updated each year. Mr. Norton explained that it could be done two ways. One way would be to schedule a specific query to run on a specified date annually or the query could be run upon request. Ms. Little sympathized that those queries could not be stored on the bureau's T drive. Ms. Taylor provided an example of someone calling asking about birth data for their town for a number of years. Because of the size of the data sets, she has to run each year individually. In the warehouse environment she would be able to run one query to accomplish that task.

Another benefit would be security and monitoring that she does not have now. With the warehouse she would receive a monthly report detailing who from her staff have accessed the warehouse and what they have accessed. Those reports would help her make decisions. She reiterated Mr. Norton's statement that VRV2000 is not set up as an analysis tool and they want to eliminate any drag on town clerks due to their using the system. Ms. Taylor explained that the warehouse is also scaleable. It can adapt to any new business that arises. That was an important point as Ms. Taylor felt that as the department uses this information more and more, they would discover the need for more to be added and the warehouse will accommodate that.

Mr. Norton added that they were in essence a "data broker" and he knew that was a terrible way to describe their role. He stated that when they work with various agencies they develop what they call an acquisition agreement that is a contract between the agency and the data owners (Mr. Norton and Ms. Taylor). In that contract it is spelled out clearly who has the right to say who has access to the data. He explained that it is not his team, nor was it the IT team. That right belongs to the data owner, Dr. Greenblatt, who may designate Ms. Taylor to be his appointee.

It is clearly articulated in the agreement that the department maintains ownership of the data. There are also clear indications of decision-making that has been done within the data development that they have done. Who made the decisions, what the impact of those decisions are, what the downstream implications of those decisions are and ultimately relates it back to the statutory responsibility that the data owner has to provide the information. He stated that before Ms. Taylor explained the responsibilities of the data users he wanted to make sure the committee knew of the responsibilities of the data owners.

Mr. Bergeron asked if they draw the entire record from VRV2000 or if they only select data portions of them. Mr. Norton explained that at that time they only had a subset of data and it did not make sense from Ms. Taylor's point of view to only have that subset. She needs to have it all. Mr. Bergeron asked if when they take the full records would it just go into a pool of information or would there still be links to the individual whose record it was taken from. Mr. Norton explained that Ms. Taylor had a need for that level of data. There were some requirements within the Medicaid program that requires they look at death records to ensure that they are not paying claims for Medicaid patients that are deceased.

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Ms. Taylor explained to the committee that she had brought a lot of handouts that members were welcome to help themselves to. She wanted to show the request process for data. One example is their confidential data request form. It is a twenty-seven-page document. Requesters have to fill out the entire document before a decision is made whether or not they can have the data. Ms. Little asked if they have to do this with each request. Ms. Taylor replied that they had to each time they requested any data. Mr. Norton added that both internal and external requesters had to complete that application.

Ms. Taylor explained that the hoops, the requester is asked to jump through are outlined in their statutes. They need to be assured that if the data is released to a requester they are going to use it only as they have specified. She then read an excerpt from the document “because you are requesting data with unique identifiers or confidential data elements you must fill out this form explicitly, leaving no blanks. If you don’t do it right, it will be sent back to you.” She offered copies of the document to committee members adding that there is an internal data review committee that determines if it would be better for her bureau to do the analysis than to release the data. If they feel that BHS&DM can provide aggregate data without releasing confidential information then that is what they are going to do.

The minimum standard applies to all requests. If there is a variable that is needed, such as date of birth to determine age of subjects it can be done in-house. Ms. Taylor’s staff can calculate that for the requester rather than giving the actual date of birth. The form asks the requester to make the decision as to just how much information they need and then reviews the responses to ensure that they are correct. If they are not, then the information released will be only the minimum needed for the study. That also benefits the user. If they ask for enormous amounts of information they will then have a data management issue. Ms. Little asked what would happen if the requester asked for identifying information. Ms. Taylor replied that unless there was a direct and tangible need for it, they would be denied.

Ms. Little asked if there was ever a case where there would be a direct and tangible need for personal identifying information to be released. Ms. Taylor replied that absolutely there was. She explained that the best example she could give would be an academic researcher such as Dartmouth Medical School. They enroll cancer patients in studies and request identifying information to find participants in their studies. They initially contact the patient’s doctor to determine if the person would be a good candidate and then the doctor approaches the patient about it. There is a really good process specified in statute as to how this process works.

Academically affiliated researchers can get confidential data elements for explicit research projects and if they do, they must have institutional review board approval from their sponsoring organization first. If they complete the application without that approval their application is returned to them. Mr. Norton added that one of the goals of the department is to develop some indices of birth outcome for mothers enrolled in the Medicaid program. In order for Mr. Norton to get access to this information he has to complete that application as well, as he needs personally identifying information to link up a Medicaid person with the vital record information. He explained that he is currently going through this process trying to determine what the minimum information he needs is.

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Mr. Norton explained that he was mentioning that because he was aware that in the past there had been concern about who really owns the data and the fact of the matter is that Ms. Taylor and Dr. Greenblatt own the data. Even though Mr. Norton works in the Commissioner's office, he has no access to the data without permission. Dr. Greenblatt asked to clarify that the procedure researchers must go through was actually a rule and not a statute as Ms. Taylor had alluded. Ms. Taylor agreed and apologized. She then went to the "Requester's Assurances" section of the data acquisition application. She explained that this section is where the requester signs their life away. They agree that the data they are receiving cannot be used for anything other than the use specified in their request.

Any information that could be used to directly identify an individual cannot be released to the public. Ms. Taylor wanted the committee to be comfortable that the confidentiality of records was being maintained and safeguarded. She stated that not only could someone not be directly identified, they would not be able to be indirectly identified either. Requesters cannot take data given to them and link it to other data. That is prohibited in the agreement that they sign before receiving data.

If they should disregard that agreement, the department can take legal action against them. Users also cannot re-release the data to a third party. It must come directly from the state. There is also a section that explains the data is not to be used for commercial reasons, sale or distribution. Many healthcare companies request information and they are always rejected.

The requestor must also outline how they intend to secure the data. Where it will be kept, who has access and only those listed on the application may have access. Employees of the requester, not listed on the application are prohibited from having access. They are also given a deadline as to how long they can hold on to the data. After that date they are required to destroy that data and return a notarized form to the department stating that they have done that. Her bureau follows up to make sure that they have destroyed the data. The next section outlined what will happen if the agreement is breached, including legal action.

Ms. Little asked if that meant they had some sort of auditing procedures where they knew what information went out, to whom, how long and for what purpose. Ms. Taylor replied that they maintain a database of this information and it notifies her staff when it is time to contact a user. If when they contact the requester, the requester explains that they still need it. They are told to reapply for the right to use the data. Ms. Taylor reminded the committee that no one gets around the application. Both internal and external users alike must complete a request application before being given access to any data.

Ms. Taylor explained that the Data Review Committee consisted of herself, Mr. Bolton, Mr. Andrew Chalsma (her Deputy Bureau Chief), and Mr. John Martin (DHHS Legal Staff). She added that if there is a request that falls outside their expertise they would invite subject matter experts to their meetings. Mr. Bergeron asked if the Cassandra Hawkings case put any holes in these assurances. Mr. Nachman replied that that case had only recently been remanded to superior court. There had been no decision in that case yet. He added that the Supreme Court held that under the Right to Know request, which he felt was different than what Ms. Taylor was discussing, the department does not have to manufacture a new report.

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The court also held that a record that is a public record does not lose its status as a public record if it is in electronic form. Mr. Bergeron asked Mr. Nachman if he was comfortable that after this information is released, even with all the assurances that it hasn't crossed that line and become a public record. Mr. Nachman replied that he did not think that it changed the content or the status of the record regardless of whether or not it has been sent electronically or been released, especially under these conditions.

Mr. Nachman asked Mr. Bergeron if his concern related to the requirement that researchers not re-release the information. Mr. Bergeron responded in the affirmative. Mr. Nachman did not feel that this was a Hawkings issue. Ms. Taylor went on to say that if a researcher planned to publish any results in a peer review journal, her office gets to review the information prior to it being published. They review it, not to challenge any findings, but to ensure that all the guidelines in the release agreement have been adhered to.

Ms. Taylor then explained that she had copies of statutes RSA:126 and RSA:141B which are the legal authorities for her to do her work with the data sets she had outlined. She did not know how deeply the committee wanted to go into them or how much time was available to do so. Ms. Little replied that since the committee had hard copies she felt they could go through them on their own. She added that in terms of her comfort level, Ms. Taylor and Mr. Norton had alleviated many of her earlier concerns. She was extremely impressed with the level of control held over the data released to researchers and other requesters.

Ms. Little asked where the privacy task force was on this issue. Mr. Nachman replied that they have not really looked at this particular issue. They haven't really had a focus on state law. Their focus has been more on HIPA and how it impacts state law as opposed to specifics. Ms. Bizarro agreed that the committee has been more federal and generic in nature and not focusing on state release policies. Ms. Little asked if the Governor's IT Commission initiated the Privacy Task Force. Mr. Bailey replied that he felt there was some connection but it was not a direct link. Mr. Norton added that there were seventeen bills in the legislature last session and he thought the committee was a direct result of that. He stated that it was such a broad issue no one could really get their hand around it.

Ms. Little asked Dr. Greenblatt to put the presentation in focus. She asked if the committee was now being asked to endorse, give its opinion or was the presentation informational. He explained that the genesis for this presentation came from the last meeting of the committee where he offered to provide a clearer and more complete discussion of the privacy of vital records issue in particular.

Dr. Greenblatt added that he, Ms. Taylor and Mr. Norton were certainly interested in anything the committee would like to do. Ms. Little stated that the obligation that she as a clerk felt to the other clerks around the state was to explain to them this wonderful presentation. She explained that her initial reaction to this proposal was not at all positive and it she was much more comfortable with the proposal after this presentation than she had been. Ms Little admitted that on the way to this meeting she had still been very concerned about how you are supposed to weigh that balance between the real need of the state to leverage data and to be real proactive against the privacy of the individual. Ms. Bizarro responded that she believed that the way Ms. Little felt was exactly the dilemma that HIPAA has faced at the federal level. There is a preamble to HIPAA that

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discusses the social goals versus the privacy of an individual and how you have to weigh those out. She went on to say that the state is also facing that same dilemma because there is a clear need for access to data, but at the same time there is a need to protect an individual's rights. Society does need information and without individual information to populate those data sets it is really difficult to do.

Mr. Norton stated that the process had also been educational for him and Ms. Taylor. They do not often find themselves having to explain to lay people, data and confidentiality. He felt that perhaps their task was to now find a way for Ms. Little, Mr. Bergeron and Ms. Hartson to explain to their constituency how they are protecting the data. Ms. Little replied that in the next few weeks there would be clerk meetings and the information had been leaking out to clerks and she was sure they would be asked about it. She was also sure that the initial reaction would not be positive. Mr. Bergeron added that he would explain where he was coming from if it would help Ms. Taylor and Mr. Norton prepare some sort of presentation for clerks to help them to understand the proposal.

Mr. Bergeron stated that his issue was with DD214's, which are the veteran's discharge papers. They are considered confidential at the federal level. Commanding officers tell their people to make a copy of it and put it on file at their city or town clerk's office. Once they do that, it is in the public domain and the public can access it. That is how his office interprets it anyway. He added that some states have gone so far as to designate DD214's as exempt from the right to know law, but here in New Hampshire he has recruiters coming in to look at those papers.

His concern is that he knows that the records are confidential in Vital Records, but if they are put in another domain are we putting that confidentiality at risk. He explained that the committee had been given some assurances that they were not, but that was his concern. Mr. Nachman asked him if his read on the freedom of information exempted that, but that 91A did not. Mr. Bergeron replied that it was his read on it and that of many records managers around the country. He went on to say that unless the state steps in and says that record is exempt from right to know that record is now held in a public venue and the public has a right to it.

Ms. Bizarro asked why town clerks keep a copy of the record. Mr. Bergeron replied that they keep the original on file and whenever that veteran needs a certified copy, he or she can get it. Another issue was taxes. He stated that the Assessors Office is now requesting copies of those documents to verify veteran exemptions and it is then in their files as well. Mr. Norton stated that his question would be "was that record being misused?" Should that copying even be allowed?

Mr. Norton added that clearly there were situations when that information was needed, such as tax exemption, etc. He wondered if the copying was a violation. Mr. Bergeron replied that he did not think it was a violation once the document had been placed on file. He added that there were other issues as well. He did not feel it was necessary to have a voter's birth date on the voter registration checklist. No one needed to know how old a voter was.

Ms. Taylor offered to make a presentation at the clerks meetings or to forward her PowerPoint presentation to Ms. Little if she thought that would help to explain it better. Ms. Little replied that she definitely wanted to tap into Ms. Taylor's expertise. Ms. Taylor stated that she had brought along two reports for the committee that demonstrated

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how her bureau uses the information and how there is no way for anyone to be able to identify anyone from the information contained in those reports. There was also a brochure showing just what the BHS&DM does. Ms. Little thanked Ms. Taylor, Mr. Norton and Mr. Nachman for coming to the meeting. She expressed a greater comfort level with the proposed online query system than she had felt at earlier meetings. Ms. Taylor and Mr. Norton thanked the committee for its time.

3. Records Preservation Update:

Dr. Mevers reported that the RFP went out on August 20, 2002 after some additional manipulation. Mr. Brian Burford, State Records Manager agreed to be the point person for the RFP. The RFP was distributed to about eighteen people that had been identified. Dr. Mevers reported that a bidder's conference was held on September 16, 2002 and bids were scheduled to be opened the following day at the archives. Ms. Little asked if Dr. Mevers was aware of the number of bids received. Because Mr. Burford was in charge of receiving the bids, Dr. Mevers had no idea.

Dr. Mevers asked that a small committee be appointed to review the bids and make a report available to the committee at the next meeting. Mr. Bolton added that they hope to make a selection by that time as well. He suggested a telephone poll could be conducted to make a decision. Ms. Little asked if Dr. Mevers had selected people he would like on the review committee. Dr. Mevers suggested Mr. Bolton, Mr. Bergeron, Mr. Burford and himself. Mr. Bolton suggested adding Mr. Wurtz as well. Dr. Mevers agreed. Ms. Little clarified that they were planning to open the bids, review them, make a selection and offer their opinion to the committee before the next meeting.

Mr. Bolton stated that if the bid was good and there was nothing shocking included in it, they could prepare a synopsis for the committee and conduct a phone poll before the next meeting. Mr. Bolton stated that he was unaware of the work start date for the RFP. Dr. Mevers replied that it was November 1, 2002 but that might be too soon. Ms. Little stated that she did not want to hold up the initiative just because the committee would not be meeting until the 17th of November. Ms. Little, Ms. Hartson and Mr. Bergeron all agreed that it was not really necessary to wait for the next meeting.

Ms. Bizarro asked if there was not already money budgeted for the RFP. Mr. Bolton replied that he was unsure what the bids were going to come in like. Ms. Little asked if we did not have \$50,000 in the budget for this initiative. Dr. Mevers reminded the committee that Mr. Kruger had stated that he expected the bids to be "north of \$25,000. Ms. Bizarro stated that if there was already more than that budgeted, she saw no reason for the review committee to come back before the VRIF. Ms. Little agreed.

Mr. Bolton asked to raise another issue. He explained that he knew that the committee had looked at it before, but that some of the utility of the RFP was to be a conduit for funds and looking at the Genealogical vault as far as staffing needs go. Mr. Bolton stated that he felt they were near a decision on that, but there was an offer on the table to alphabetize the records in the vault from the representatives of the Church of Jesus Christ of Latter Day Saints. There are arguments both pro and con and they will be talking about it before the next meeting to see if a consensus can be reached on how to proceed.

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Ms. Bizarro asked if this was a volunteer operation. Mr. Bolton replied that it was and the couple that was already at the bureau microfilming records might be able to help with this task. Ms. Hartson asked what Mr. Bolton meant by alphabetizing, opposed to what. He explained the traditional way that the records had been filed. Dr. Mevers explained that eventually they would have to be alphabetized if they were going to be scanned. All the indexes in the state that he was aware of were alphabetized. He was of the opinion that if there was someone willing to do it they should be allowed to do it. Mr. Bolton wanted to be sure to not offend anyone that might have strong feelings about the traditional way in which the records were filed.

4. OIS Update:

The most recent release of VRV2000, which was version 3.2.1 was released on August 19, 2002 and he felt it was a tremendous success. The release addressed around forty change requests and around one hundred ODARs, which are database or field changes. Mr. Parris stated that this release was a pretty significant release and required a lot of work. He pointed out that the first release of the VRV2000 software that they did was thirteen change requests and about twenty ODARs. This release was much larger. The CDs went to the mailroom on August 12, 2002 and did not hear that anyone did not get theirs this time and that was a plus. All the items in the release were prioritized and discussed between his staff and Mr. Bolton and his staff.

Mr. Parris explained that the second page of his handout showed some of the reasons that he felt the release went so well. There were twenty-three calls related to the release and considering the amount of people the CDs went out to and the complexity of the installation procedure, they did not feel that was a large number. There were eight questions relating to the new version number or the new icons and they expected those and more because they did not replace the old icon with a new one and were aware that might confuse some users. There were three questions relating to the method of installation. All the questions were related to the installation. Mr. Parris added that they have heard no major complaints about the new release.

The VPN Concentrator has been approved and is on order. He thought Mr. O'Neal might have more light to shed on that, but as far as Mr. Parris knew it had not been received. Mr. O'Neal stated that he thought they were waiting for acknowledgement from the vendor. Ms. Little asked what towns would be benefiting from the VPN Concentrator and where would it be installed. Mr. Parris replied that he was unsure of the rollout schedule. He stated that he would need to meet with Mr. Bolton about that. He estimated that Nashua would be high on the list and Manchester was currently using one.

Mr. Bolton stated that he was under the impression there was still some issues in Nashua, possibly with the firewall and he thought that might be a solution for them. Mr. Bailey stated that any city or town that has more than a dialup connection to the Internet is a candidate for the solution. He explained that Manchester was brought up as a prototype. Manchester would eventually be hooked up to the new VPN Concentrator too. Any town that has broadband, DSL or a frame relay connection would be a good candidate. He stated that licensing should not be an issue. He felt that the box could handle a large number of towns, adding that someday if all two hundred plus towns get connectivity there could be an issue, but not right now.

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Mr. Bailey felt that the priority would be the same as with the dialup. Those towns that are on all day with high volume would be the first ones approached about switching. Ms. Little asked if anyone could say how many communities might be affected. Mr. Bolton replied that they would have to look at the list, but that it would be a much more rapid rollout than in the past. Mr. O'Neal stated that from looking at past telephone charges he could clearly tell the committee who the biggest users were, but could not tell if they would have the capability to link to the VPN. Ms. Little agreed that those users would be a good place to start.

Mr. Bolton asked Mr. Bailey if the towns needed to have high speed Internet rather than just a dial up service provider. Mr. Bailey replied that they would see no benefit. The state would because it would save on the dialup charges, but the users would not. He said it would work, but the connection for a dialup town might even be slower and in his opinion, there was no benefit to the clerk unless they are able to do their job faster. Mr. Bolton suggested that maybe they should test a few sites simply because it will be only one login versus a dialup connection and then the Oracle connection. Mr. Bailey disagreed saying that the user would have to login into the VPN and then log into the system. Ms. Little asked Mr. Bolton to provide the committee with the prioritized list when it is completed.

Mr. Parris stated that they did not plan any rollouts for August or September 2002 because of the testing and the new rollout. Because of the work his staff was doing on the release they decided against going to any more towns. He stated again that he would be meeting with Mr. Bolton and his staff to determine the list of towns to approach. Ms. Little asked if they were still planning to continue to rollout to new towns even though they were preparing to move to a new platform. Mr. Bolton and Mr. Parris replied in the affirmative.

Mr. Bolton added that they are not looking strictly at the VPN for the rollouts. They are still looking at LAN/WAN and the Department of Safety LAN for some towns that might be able to participate, but were not included in the original Department of Safety agreement. Mr. Bailey reported that since the original agreement was reached, the Department of Safety has expanded that group and we will probably need to amend that agreement to go out to the next group of towns. Mr. Bolton reported that they DOS was now out to sixty-nine towns. He said they have a very aggressive rollout plan.

Mr. O'Neal distributed a handout explaining that at the last meeting he had offered to bring in reports on outages and other issues with the VRV2000 software and system. He asked members to go to page two and explained that they looked at fourteen months of data of call volume. Mr. O'Neal explained that he had put the information into a chart to look for any peaks or valleys. From a statistical standpoint he felt it was pretty flat. He explained that page three gave more detail on the chart. In the fourteen months there were four hundred ninety five calls, with approximately thirty-five per month. We paid \$23 per call, which added up to a little over \$11,000.

One of the things Mr. O'Neal wanted to bring to the attention of the committee was that after September 1, 2002, the per call incident charge has gone up to \$26.50. Ms. Little asked if that was a contract that just Vital Records had with Seneca or if it was departmental. Mr. Bailey and Mr. O'Neal both confirmed that it was a contract for the whole department. Mr. Bailey reported that Vital Records was the only one using a per call approach. The rest of the department pays a per employee monthly charge, because

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they have substantially higher call volume. Mr. Bolton stated that it was the cheapest way to go at this point. Mr. Bailey agreed and explained that if Vital Records reached a point where the average calls per month equaled average users it would be more reasonable to pay per user. He reminded the committee that our users are only calling in on VRV2000. Department employees are calling in for any problems they encounter on a daily basis.

Mr. O'Neal explained that the fourth page of his handout showed the distribution of calls. He went back to January 1, 2002 through August 31, 2002. During that time period there were three hundred and twenty-seven calls. Of those, fifty-six percent were town clerks, thirty-one percent were funeral homes and thirteen percent came from hospitals. Ms. Little asked if you could then figure the cost. Mr. Janosz was also interested in the cost. He asked what kinds of problems the funeral homes were having that they were calling in thirty-one percent of the calls. He was perplexed as he stated that funeral homes only look at one thing, death. City and town clerks have a broad range of items they may be calling in about.

Mr. Janosz was surprised that funeral directors took up more than ten percent. Mr. Wurtz explained that sometimes the funeral homes are calling in with legitimate questions about loading software on new computers, etc. Mr. O'Neal stated that he would do a little more analysis and bring more information back to the committee. Mr. Janosz liked that idea and stated that if there were any trends, Mr. Wurtz could address them to the funeral directors.

Mr. Janosz then asked if funeral homes were still logging on and staying all day. Mr. O'Neal stated that since Oracle was automatically logging them off it was no longer an issue. In discussions with funeral directors he found that they did not feel they needed to log off. Ms. Little asked if they knew about the costs involved. Mr. Janosz replied that they don't care because they do not have to pay.

Mr. O'Neal also wanted to discuss a report he had on critical outages. He reminded the committee that there was some discussion at the previous meeting regarding such outages. OIS has a very formal process for critical outages and notification. He said that process made him very comfortable in outlining the outages that had occurred. Mr. O'Neal asked members to refer to page six of the handout where they found a snapshot of their reporting process. It is a Lotus Notes database that distributes notification to users when there is a problem.

Mr. O'Neal explained that on the last page was a listing of outages. There were several types of outages he looked at. He looked at Internet outages, dialup outages, database, server and the actual application itself and went back to July 1, 2002. There were ten outages for the Internet, five for dial in, none for the database, none for the application itself and one outage on a Saturday for a server. Mr. O'Neal explained that there was some duplication. If the Internet was down the dialup would also be down, but he counted them separately. So there really weren't fifteen outages, but they counted them as fifteen.

There was a significant amount of down time in the dialup in late April and early May when they brought up the new equipment. Ms. Bizarro asked in comparison to other systems how this rated. Mr. O'Neal explained that this was very consistent because all the databases were on one box and many programs are not. Mr. Bailey stated that

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basically Oracle does not go down. Hardware goes down rarely and if it does it is because something didn't work. Being a frugal state we do not have minute response time from vendors. There is usually a four-hour response time.

An eight-hour down time might just mean that there was one thing down and it took time for the vendor to arrive and then to fix it and get it back up. Mr. Bailey went on to say that in New Hampshire the backbone of all state communications is Verizon Wireless and even if we had the money to do alternate routing there aren't necessarily any vendors that could accommodate us. As for the system going down because a new piece of equipment coming up, Mr. Bailey stated that that would not happen again until another new piece of equipment is brought in and there is a problem.

5. Other Business:

Hearing no other business, Ms. Little adjourned the meeting.