

**U.S. DEPARTMENT OF COMMERCE  
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
INFORMATION SECURITY AND PRIVACY ADVISORY BOARD**

**CHARTER**

- 1. Committee's Official Designation (Title).** Information Security and Privacy Advisory Board (Board).
- 2. Authority.** In accordance with 15 U.S.C. § 278g-4, as amended, the Secretary of Commerce hereby re-charters the Information Security and Privacy Advisory Board, pursuant to the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 et seq.
- 3. Objectives and Scope of Activities.** The Board will identify emerging managerial, technical, administrative, and physical safeguard issues relative to information security and privacy. The Board will advise the National Institute of Standards and Technology (NIST), the Secretary of Homeland Security, and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to federal government information systems, including through review of proposed standards and guidelines developed under 15 U.S.C. § 278g-3.
- 4. Description of Duties.** The Board will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. § 1001 et seq. The Board will not act in the absence of a quorum, which shall consist of seven members.
- 5. Agency or Official to Whom the Committee Reports.** The Board shall report to the Director of NIST. The Board reports its findings annually to the Secretary of Commerce, the Secretary of Homeland Security, the Director of OMB, the Director of the National Security Agency, and the appropriate committees of Congress.
- 6. Support.** To provide the staff services necessary to assist the Board in carrying out its functions, the Board will utilize personnel from NIST and may utilize personnel from any other agency of the federal government with the consent of the Head of such agency.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Board's functions are estimated to be \$150,000 per year, including all direct and indirect expenses. It is estimated that 0.8 FTE will be required to support the Board.
- 8. Designated Federal Officer (DFO).** A full-time or permanent part-time employee will be appointed in accordance with agency procedures and will serve as the DFO. The DFO will approve or call all of the Board's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Board and subcommittee meetings, adjourn any meeting when

the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Director of NIST.

**9. Estimated Number and Frequency of Meetings.** The Board holds open, public meetings approximately three or four times during the fiscal year. The Board shall hold meetings at such locations and at such time and place as determined by a majority of the Board.

**10. Duration.** Continuing.

**11. Termination.** This charter shall terminate two years from the date of its filing with the standing committees of the U.S. Senate and House of Representatives having legislative jurisdiction of the agency unless earlier terminated or renewed by proper authority.

**12. Membership and Designation.** The Director of NIST will appoint the members of the Board, and members serve at the discretion of the NIST Director. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

a) The Board will consist of twelve members and a chairperson for a total of thirteen. The Director of NIST shall appoint the chairperson and the additional twelve members of the Board.

b) The Director of NIST shall designate a vice chairperson from among the twelve additional members. The vice chairperson shall perform the duties of the chairperson in the event the position of chairperson is vacant, or the chairperson is absent.

c) The Board members are selected for their preeminence in the information technology industry, or related disciplines. The Board will include four members from outside the federal government who are eminent in the information technology industry, at least one of whom is representative of small or medium sized companies in such industries; four members from outside the federal government who are eminent in the fields of information technology, or related disciplines, but who are not employed by or representative of a producer of information technology; and four members from the federal government who have information system management experience, including experience in information security and privacy, at least one of whom shall be from the National Security Agency.

d) Members of the Board, other than full-time employees of the federal government, will not be compensated for their services, but will, upon request, be allowed travel expenses pursuant to 5 U.S.C. § 5701 et seq., while attending Board meetings or while otherwise performing duties at the request of the Board chairperson, while away from their homes or a regular place of business.

e) Members of the Board who are not full-time officers or employees of the United States Government are appointed for their individual expertise and experience and therefore shall serve as Special Government Employees (SGEs) as that term is

defined in 18 U.S.C. § 202. Special Government Employees are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential Financial Disclosure Report (OGE Form 450) and complete ethics training. Members will be individually advised of the capacity in which they will serve through their appointment letters.

- f) The term of office for each member of the Board shall be four years. Any member appointed to fill a vacancy on the Board shall serve for the remainder of the term for which his/her predecessor was appointed.
- g) Any person who has completed two consecutive full terms of service on the Committee shall be ineligible for appointment for a third term during the one-year period following the expiration of the second term.
- h) Members shall not reference or otherwise utilize their membership on the Board in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Board, NIST, the Department of Commerce, or the U.S. Government.

**13. Subcommittees.** With NIST’s approval, the Board may create subcommittees pursuant to the FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Subcommittee members shall be selected from among the members of the Board. Subcommittees must report back to the Board and must not provide advice or work products directly to the U.S. Government.

**14. Recordkeeping.** The records of the Board, formally and informally established subcommittees, or other subgroups of the Board, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Board are available for public inspection.

**15. Filing Date.** The charter is filed on the date indicated below.

**JEREMY PELTER**

Digitally signed by JEREMY PELTER  
Date: 2024.02.23 16:50:39 -05'00'

2.23.2024

Deputy Assistant Secretary for Administration  
Performing the non-exclusive functions and duties of  
the Chief Financial Officer and Assistant Secretary  
for Administration

Date

2/23/2024

Filing Date