

INTRODUCTION: Following is the statement that Little Rock Superintendent Jermall Wright read aloud at a Dec. 5 special meeting of the Little Rock School Board about a breach of the district's information network and what was an undisclosed Nov. 21 meeting of the school board on the matter.

From: Wright, Jermall

Sent: Tuesday, December 6, 2022 5:16 PM

To: LRSD Employee List <LRSD-Employee-List@lrzd.org>

Subject: Cyber-Attack Update

Dear LRSD Employees,

Yesterday afternoon, we received a tentative agreement to potentially resolve the network security issue. Yesterday evening, the LRSD Board of Education voted to authorize the superintendent to enter into a settlement agreement. During yesterday's meeting, I read from a prepared statement to address many of the questions and concerns we have received from our employees and members of our community. A copy of that statement is provided below. As I stated yesterday evening, this continues to be a HORRIBLE situation with absolutely no good options.

Facts:

LRSD Board held an emergency meeting on Monday, November 21, 2022 at 6pm via ZOOM. Six board members participated in the emergency meeting. Directors Ali Noland, Vicky Hatter and Michael Mason were not in attendance at the emergency meeting.

The purpose of the meeting was to discuss the recent cyber-attack on LRSD; the extent of the data breach; the ransom demand; and protocols to protect our systems and obtain the data back from the threat actors (TA). Due to the level of the security breach and the negotiations with the TAs and the vulnerability of LRSDs data systems and computers, LRSD was advised by independent computer forensic experts to make every effort not to publicize what was happening due to the potential of more data being stolen and increased disruption of LRSD's computer systems.

Public discussion of the situation at the time would have risked harming thousands of LRSD patrons and employees whose personal information could have been publicly disclosed by the threat actors. The Board did authorize a negotiation with the TAs while extensive protocols were deployed on the LRSD system to protect data and equipment.

LRSD did seek counsel with regard to FOIA. Litigation counsel provided information noting some exceptions to FOIA in the event of an emergency and/or a cyber-attack. One such exception is found in ACA 6-15-1304 notes that “records or other information upon disclosure could reasonably be expected to be detrimental to the public safety, including **without limitation** records or other information concerning emergency or security plans, school safety plans, risk assessments, studies, measures, or concerning **systems**” are exempt from disclosure [emphasis added]. Further ACA 10-4-429 notes that “[a] report, update, notification, or list created or maintained under this section is exempt as a security function under § 25-19-105(b)(11)”. FOIA contains the following definition—*“Disaster recovery system” means an electronic data storage system implemented and maintained solely for the purpose of allowing a governmental unit or agency to recover operational systems and datasets following the occurrence of a catastrophe, including without limitation an act or war, an equipment failure, a cyber-attack, or a natural disaster such as a tornado, earthquake, or fire;... and the following exemption states that “Electronic data information maintained by a disaster recovery system”* [emphasis added].

Discussion:

As set out above, the Arkansas General Assembly is clearly and rightfully concerned about public release of information related to cyber-attacks, systems designed to protect public entities from cyber-attacks, and a public entity’s response to a cyber-attack. The specific exemptions provided by the legislature so far, however, apply to public records

and not expressly to public meetings. In order to seek guidance about how LRSD, as well as other school districts and public entities, should respond in the future when confronted with the choice between private discussions about how to respond to a cyber-attack and putting thousands of patrons and employees at risk of harm through a public discussion, LRSD intends to seek an opinion from the Arkansas Attorney General about how to strike the appropriate balance between the requirements of the FOIA and the risk of harm to the public.

Arkansas school boards should not have to choose between strict compliance with the FOIA and exposing thousands of patrons and employees to the risk that their personal information will be publicly disclosed by the perpetrators of a cyber-attack. The Board's private meeting on November 21 was necessitated by an emergency and time sensitive situation involving the need to respond quickly and appropriately to the threat actors. LRSD systems were vulnerable and swift action was necessary related to discussions which, if they were in writing, would clearly be exempt from the FOIA. LRSD believes that these exemptions should apply to the exigent circumstances with which its Board was confronted on November 21, 2022, but will seek guidance from the Arkansas Attorney General about how to respond should a similar situation arise in the future.

Closing:

Once this cyber security issue is resolved, we will be able to provide more information and notify individuals whose data may have been stolen from our system and provide those individuals with the appropriate monitoring and protection resources necessary.

Lastly, I would like to thank and recognize John Ruffins, Chris Prowse, and the ENTIRE technology team who have been working around the clock, non-stop for the past several weeks addressing a number of projects and tasks associated with this network issue. If there is any good that will result from this ordeal - it is that our network and technology

systems will be much more secure and stronger than probably any school district or agency in the entire state. Nevertheless, we will need each of you to continue to be vigilant and cautious when it comes to clicking on email links from suspect and/or unknown senders. Please always err on the side of caution.

Thank you for understanding and for your patience. We are doing our absolute best.

Jermall