

From: Kevin Guenthner <Kevin.Guenthner@StockmanBank.com>
Sent: Monday, April 05, 2021 3:41 PM
To: Comments
Subject: [EXTERNAL MESSAGE] January 12, 2021 - Computer-Security Incident Notification Requirements for Banking Organizations and Their Bank Service Providers; Notice of proposed rulemaking; Comment Request (RIN 3064-AF59)

The overall intent of the proposal makes good sense and is workable. I have one area where I believe the ambiguity of the language could cause some confusion. Language within the rule provide select examples of Computer Security events that would be considered “notification incidents” under the proposed rule. Specifically:

3. A failed system upgrade or change that results in widespread user outage for customer and bank employees.

The term “widespread” does not provide sufficient specificity and could easily be interpreted inconsistently and/or subjectively measured so that it is eventually perceived as almost any outage. In addition, without specifying a time measure, it could be interpreted even short operational disruption could require notification regardless of its cause or material impact on the banking organization’s ongoing viability. In a world where some level of outage from time to time is not uncommon and impact on users or the banking organization is not material, ambiguous language such as this could result in non-valued added bureaucracy.

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