

TEXAS DEPARTMENT OF PUBLIC SAFETY

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October 24, 2013

Agency Head

Dear Directors:

The State of Texas must be prepared to ensure the continuing performance of critical government functions under all conditions, including emergencies that disrupt normal operations. As cited in the Texas Homeland Security Strategic Plan for 2010-2015, continuity planning is a critical aspect of overall homeland security planning. Elements of a continuity plan include identification of essential functions, delegating of authority, orders of succession, communications, vital records and data, and alternate operating locations; continuity planning ensures those resources will be available when needed through coordination with partners and stakeholders. Requirements for state agency continuity planning are established in the Texas Labor Code (Section 412.054), with additional information on information security rules related to information security standards in Rule §202.24 of the Texas Administrative Code. State agencies are required to maintain continuity plans and ensure that they are regularly updated and validated.

The purpose of this letter is to provide additional guidance on continuity planning to state agencies, consistent with existing legislation and rules. It applies to state agencies that are members of the Governor's Emergency Management Council, members of the State Data Center Program, and/or State Office of Risk Management (SORM) client agencies. The letter recommends minimum standards for state agency continuity planning, but it is not intended to be restrictive; as appropriate, some agencies may find that they need to go well beyond the minimum standard based on their mission and their planning challenges.

To support agency continuity planning, this letter also establishes Texas Essential Functions (Attachment). These functions, modeled on the National Essential Functions established in National Security Presidential Directive 51/Homeland Security Presidential Directive 20, represent the broad responsibilities of state government during an emergency. While priorities will vary based on the specifics of an incident and there are many important agency activities not reflected in the list, maintaining these Texas Essential Functions should be the primary focus of state government during a crisis.

The State Office of Risk Management (SORM), in coordination with the Department of Information Resources (DIR), the Texas Division of Emergency Management (TDEM), and the Texas Office of

Homeland Security (OHS), will develop, maintain, and disseminate a Continuity Planning Crosswalk that combines Texas legislative requirements, FEMA guidance, best practices, and other applicable standards. This Continuity Planning Crosswalk will serve as the single recommended standard for minimum content in Texas state agency continuity plans. It will incorporate the issue areas described in the Federal Emergency Management Agency's (FEMA's) Continuity Guidance Circular 1 (CGC 1), *Continuity Guidance for Non-Federal Governments* and Continuity Guidance Circular 2, *Continuity Guidance for Non-Federal Entities: Mission Essential Functions Identification Process*. Specifically, it will include the "Continuity Plan Considerations" in Annex A of CGC 1. It will also recommend that Agency continuity plans include an annex covering the continuity response to pandemics and, as necessary, include plans for telecommuting and copies of memorandums of agreement related to security, alternate facilities, and other support needed in a continuity situation.

Continuity plans should be based on a comprehensive process for identifying Mission Essential Functions at the agency level, conducting a Business Process Analysis to explore the processes required to perform these functions, and conducting a Business Impact Analysis to evaluate the effect threats and hazards may have on the ability to perform these functions. Note that an agency's Mission Essential Functions may or may not directly support performance of Texas Essential Functions. CGC 1 and CGC 2 provide several tools and formats for capturing the results of these analyses and developing a continuity plan, but these formats should not be seen as restrictive and should be adjusted to fit the needs of the agency. Other plan formats may be more useful in some cases, as long as they address the minimum content requirements in the Continuity Planning Crosswalk.

Executive management of Texas state agencies should:

- By November 30, 2013, designate a Continuity Coordinator for the agency and provide contact information to SORM. A qualified Continuity Coordinator should be trained in continuity planning and certified by a recognized organization such as FEMA's Emergency Management Institute (Continuity Practitioner Level I or Level II), or Disaster Recovery Institute International (Certified Professional, such as ABCP, CFCP, CBCP or MBCP). In some cases, smaller agencies may wish to share a continuity coordinator and develop continuity plans jointly
- By October 31, 2014, review current continuity plans and develop or revise them as needed to achieve the minimum standards described above
- By October 31, 2014, provide electronic copies of continuity plans, along with a completed Continuity Planning Crosswalk, to SORM. In addition, provide an electronic copy of any Memorandum of Agreement relating to the planned use of state facilities as alternate sites to the Texas Facilities Commission (TFC)
- By August 31 of each year thereafter, review and update plans to ensure contact lists, responsibilities, Memorandums of Agreement/Memorandums of Understanding, and procedures remain current and valid
- Beginning as soon as practicable, but no later than Fiscal Year 2015, conduct an annual exercise of agency continuity plans and report completion to SORM. Schedule and post exercise information on preparingtexas.org. Exercises should be compliant with the Homeland Security Exercise and Evaluation Program (HSEEP) and should be sequential and progressive in terms of participants and objectives
- By October 31, 2014, develop an agency-level continuity training program to ensure mission-critical personnel are prepared to perform required continuity functions during an emergency.

As directed in Section 412 of the Texas Labor Code, SORM will review continuity plans and provide guidelines and models (which will include the Continuity Planning Crosswalk described above) to state agencies. SORM will use the Continuity Planning Crosswalk as its evaluation tool for state agency continuity plans. Written feedback should normally be provided by SORM to state agencies within 90 days of plan submission. As necessary, SORM may request subject matter expert assistance in reviews. SORM will publish additional rules in the Texas Administrative Code as required to implement its continuity responsibilities. Where possible, SORM will also develop incentives for agencies to meet and exceed the minimum continuity planning standards described in this letter.

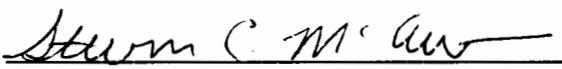
Delivery of some critical functions and services during an emergency will rely on coordination of continuity plans and operations among multiple agencies. As a group, we must identify interdependencies, cross-functional issues, and coordination requirements among agency continuity plans and develop recommendations to address any challenges. The Texas Homeland Security Council and the informal Continuity Roundtable will be the primary forums for interagency discussion of continuity planning issues.

Due to their sensitive nature, state agency continuity plans and supporting documents should be labeled "For Official Use Only." Section 552.101 of the Texas Government Code exempts information from public disclosure if considered to be confidential by law, either constitutional, statutory, or by judicial decision. Chapter 418 of the Texas Government Code provides that certain information, including information relating to risk or vulnerability assessments, critical infrastructure, and security systems, is confidential in specific circumstances.

For the state as a whole, effective continuity planning must consider the delivery of services by local government agencies as well as state agencies. County and municipal agencies throughout Texas are encouraged to adopt standards and processes for continuity planning similar to those described in this letter and to coordinate their efforts regionally. As with state agencies, effective planning and risk reduction will depend on a careful analysis of critical functions, business processes, and business impacts.

Ensuring that the most critical government services continue to be available to the people of Texas under any conditions is a challenging task demanding a concerted planning effort. Thank you for your support of this important initiative.

Respectfully,



Steven C. McCraw, Director
Texas Department of Public Safety
Texas Office of Homeland Security



Karen Robinson, Executive Director
Texas Department of Information Resources



Jonathan Bow, Executive Director
State Office of Risk Management

Attachment: Texas Essential Functions

TEXAS ESSENTIAL FUNCTIONS

TEF 1: *Maintain Continuity of Government.* Focus: Ensure the continued functioning of state government and critical government leadership elements, including: succession to key offices; organizational communications (with a priority on emergency communications); leadership and management operations; situational awareness; personnel accountability; and functional and judicial organizations (as necessary).

TEF 2: *Provide Visible Leadership.* Focus: Provide leadership visible to the State of Texas and the Nation and maintain the trust and confidence of our State's citizens and partners.

TEF 3: *Defend the Constitution of Texas.* Focus: Defend the Constitution of the State of Texas and prevent or interdict attacks against the State or its people, property, or interests.

TEF 4: *Maintain Effective Relationships with Neighbors and Partners.* Focus: Maintain relationships and cooperative agreements with federal, state, local, and tribal governments, and private sector and non-profit partners.

TEF 5: *Maintain Law and Order.* Focus: Maintain civil order and public safety (protect people and property and the rule of law), by ensuring basic civil rights, preventing crime, and protecting critical infrastructure.

TEF 6: *Ensure Availability of Emergency Services.* Focus: Provide and/or assist local and tribal governments in providing critical emergency services, including emergency management, police, fire, ambulance, medical, search and rescue, hazmat, shelters, emergency food services, recovery operations, etc.

TEF 7: *Maintain Economic Stability.* Focus: Manage the overall economy of the State of Texas by managing the State's finances and ensuring solvency.

TEF 8: *Ensure the Availability of Basic Essential Services.* Focus: Provide and/or assist in the provision of basic services, including water, power, health care, communications, transportation services, sanitation services, environmental protection, commerce, etc. These are services that must continue or be restored quickly to provide for basic needs.