

HOW TO FILE LIMITED AGENCY EXEMPTION

New Filing (Meaning new filing in 2019): All prior filings have expired.

When: File between January 1, 2019-February 15, 2019

Who: 500.19(a)(1) – You are entitled to this exemption when a Covered Entity has fewer than 10 employees, including independent contractors. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.

500.19(a)(2) – You are entitled to this exemption when a Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY business. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.

500.19(a)(3) – You are entitled to this exemption when a Covered Entity has less than \$10,000,000 in year-end total assets. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.

500.19(c) – You are entitled to this exemption when a Covered Entity does not operate, maintain, utilize or control any IT systems and does not, and is not required to control, own, access, generate, receive or possess Nonpublic Information. This is a limited exemption and you must still design and implement a cybersecurity program that meets some but not all the regulatory requirements.

500.19(d) – You are entitled to this exemption if you are a Covered Entity that is a captive insurance company that does not, and is not required to control, own, access, generate, receive or possess Nonpublic information.

Info Needed: Before you begin the filing you'll need-

1. Your user name & password (this will be the same one that you used last year).
 - a. If you don't have your password, but you filed last year, use the "forgot password" button.
 - b. If this is your very first filing, use the "create account" button and follow the prompts.

Begin the filing (It looks more complicated than it is, it'll only take you a few minutes):

Go to the [NYS DFS Cybersecurity Portal](#) If you have your password:

The screenshot shows the NYS DFS Cybersecurity Portal sign-in page. At the top left is the New York State logo. To the right are navigation links: Services, News, Government, and Local. Below these is the Department of Financial Services logo and a 'SECURE PORTAL' badge. The main content area is a sign-in form with a 'My Apps' header. The form includes a 'Sign In' section with an 'Email Address' field (highlighted in yellow and pointed to by a red arrow), a 'Password' field (highlighted in yellow), and a 'Remember Me' checkbox. Below the form is a blue 'Sign In' button. At the bottom of the form are links for 'Create Account' and 'Forgot Password'.

On the next page you'll see:

The screenshot shows the 'Department of Financial Services' Secure Portal. The main heading is 'NYS DFS CyberSecurity 23 NYCRR 500 Regulation'. There are three main sections: 'Exemption', 'Compliance', and 'Event'. The 'Exemption' section includes a list of actions: 'File new Notice of Exemption', 'Amend previously filed Notice of Exemption', and 'Terminate previously filed Notice of Exemption'. Below this list are two buttons: 'Begin' and 'Begin Bulk Exemption'. The 'Compliance' section has a heading 'Submit a Certification of Compliance' and a 'Begin' button. The 'Event' section has a heading 'Submit Notice of a Cybersecurity Event' and a 'Begin New' button.

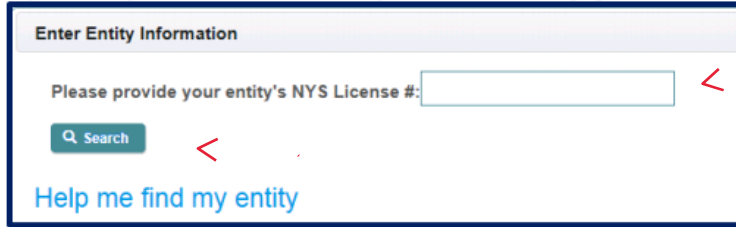
For the LIMITED AGENCY exemption CHOOSE the 1st column and click "Begin"

This is a close-up of the 'Exemption' section. It shows the heading 'Exemption' and the text 'Perform actions related to your entity's NYS DFS cybersecurity regulation exemption status.' Below this are three bullet points: 'File new Notice of Exemption', 'Amend previously filed Notice of Exemption', and 'Terminate previously filed Notice of Exemption'. At the bottom, there are two buttons: 'Begin' and 'Begin Bulk Exemption'.

Choose-NYS License Number

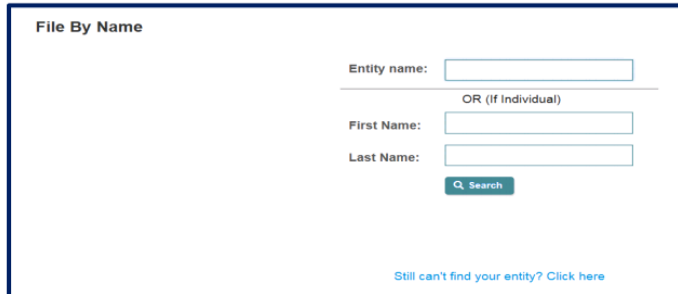
The screenshot shows the 'Submit Notice of Exemption' form. At the top, there is a 'Back to Main Menu' button and the title 'Submit Notice of Exemption'. Below the title are navigation buttons: 'Find My Entity', 'Find My Entity (Cost)', 'Exemption Status', 'Contact Info', and 'Done'. The main heading is 'Choose how you will be identifying your entity:'. There are four radio button options: 'NYS License Number', 'NAIC/MI Entity Number', 'NMLS', and 'Institution Number'. Each option has a list of associated entity types. A red arrow points to the 'NYS License Number' option. At the bottom left, there is a link 'Help me find my entity', and at the bottom right, there is a 'Next' button.

Help me find by entity and hit search & choose your agency name (& choose your agency #) from the list that appears:



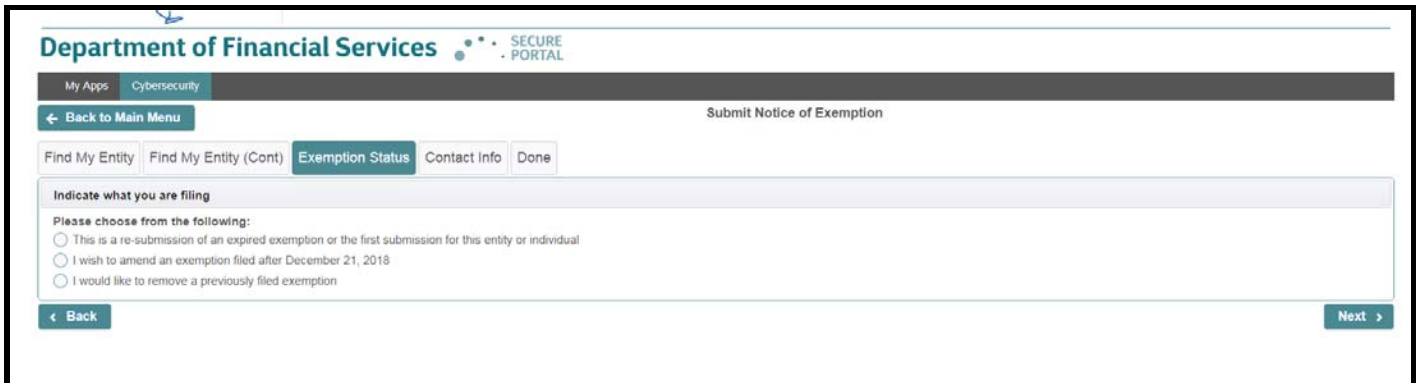
The screenshot shows a form titled "Enter Entity Information". It contains a text input field labeled "Please provide your entity's NYS License #:" with a red arrow pointing to it. Below the input field is a "Search" button with a magnifying glass icon. At the bottom of the form, there is a blue link that says "Help me find my entity".

Enter your agency name hit search & choose your agency name (& choose your agency #) from the list that appears:



The screenshot shows a form titled "File By Name". It has three input fields: "Entity name:", "First Name:", and "Last Name:". Below the "First Name" and "Last Name" fields is a "Search" button with a magnifying glass icon. At the bottom of the form, there is a blue link that says "Still can't find your entity? Click here".

Choose "This is a re-submission or an expired exemption or the first submission for this entity or individual":



The screenshot shows a web page for the "Department of Financial Services" with a "SECURE PORTAL" logo. The page title is "Submit Notice of Exemption". There are navigation tabs: "My Apps", "Cybersecurity", "Find My Entity", "Find My Entity (Cont)", "Exemption Status", "Contact Info", and "Done". The "Exemption Status" tab is selected. Below the tabs, there is a section titled "Indicate what you are filing" with the instruction "Please choose from the following:". There are three radio button options: "This is a re-submission of an expired exemption or the first submission for this entity or individual", "I wish to amend an exemption filed after December 21, 2018", and "I would like to remove a previously filed exemption". At the bottom of the form, there are "Back" and "Next" buttons.

Now you're going to have to determine which of the limited agency exemptions applies to you. **Check all that apply to your agency.** See Page 1 of these instructions for more of an explanation of each. (500.19(a)(1), 500.19(a)(2), 500.19(a)(3) 500.19(c), 500.19(d)) These exemptions are **limited** in nature. You will still be required to comply with certain provisions of the regulations, including for most entities the core requirements of a cybersecurity program, cybersecurity policy and procedures, access privileges, a risk assessment, third party service provider security policy, limitations on data retention and a filing of a Certification of Compliance. Please carefully review each exemption and select the exemptions that apply to your circumstances. You will be asked to confirm that you understand these requirements.

In accordance with 23 NYCRR 500.19(e), JOHN SMITH provides notice of qualification for the following Exemption(s) (check all that apply): *

500.19(a)(1) – I certify the Covered Entity has fewer than 10 employees, including independent contractors.

500.19(a)(2) – I certify the Covered Entity has less than \$5,000,000 in gross annual revenue in each of the last 3 fiscal years from NY business.

500.19(a)(3) – I certify the Covered Entity has less than \$10,000,000 in year-end total assets.

500.19(b) – I certify I am an employee, agent, representative or designee of another Covered Entity and am covered by that entity's cybersecurity program.

500.19(c) – I certify the Covered Entity does not operate, maintain, utilize or control any IT systems and that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

500.19(d) – I certify the Covered Entity is a captive insurance company that does not, and is not required to, control, own, access, generate, receive or possess Nonpublic Information.

Please note that you are responsible for maintaining documentation sufficient to demonstrate you are qualified for any exemptions claimed; as such, you may be asked to provide documentation to the Department. In addition, the Department will periodically require you to refile your exemption upon request.

Further Action Required - Exemptions under sections 500.19(a)(1-3), (c) and (d) are **limited exemptions**. Any Covered Entities and licensed persons exempt under these sections are required to maintain a cybersecurity program and file an annual Certification of Compliance to confirm compliance with the provisions of the regulation that apply to the Covered Entity. See the Cybersecurity FAQs on the DFS website for more information.

I have read and understand the information above.*

Complete & Submit: (If you need to change your email address, click on your name in the upper right and “my account”

The screenshot shows the 'Submit Notice of Exemption' page on the New York State Department of Financial Services website. The page includes a navigation bar with 'Services', 'News', 'Government', and 'Local'. Below the navigation bar is the 'Department of Financial Services' logo and the 'SECURE PORTAL' icon. The main content area is titled 'Submit Notice of Exemption' and features a breadcrumb trail: 'Find My Entity' > 'Find My Entity (Cont)' > 'Exemption Status' > 'Contact info' > 'Done'. The 'Contact info' step is active, showing a form titled 'Enter Contact Information' with the following fields: 'Name of Person filing the exemption:', 'Title of the Person filing the exemption:', 'Phone Number of the Person filing the exemption:', and 'Email Address of the Person filing the exemption:'. Each field has a corresponding input box. At the bottom of the form, there is a checkbox for the statement: 'I swear or affirm that I am authorized to submit the Notice of Exemption on behalf of I A A C INC or licensed person, and that the information in the Notice of Exemption is accurate.*'. Navigation buttons for '< Back' and 'Submit' are located at the bottom of the page.

Print this page (it shows the exemptions that you filed for and includes the E #:

The screenshot shows the New York State Department of Financial Services Secure Portal. At the top right, there is a user profile for Brian Raymond Blazy. The main navigation bar includes links for Services, News, Government, and Local. Below this, the Department of Financial Services logo and 'SECURE PORTAL' are displayed. A dark navigation bar contains 'My Apps' and 'Cybersecurity'. A breadcrumb trail shows 'Submit Notice of Exemption' with a 'Back to Main Menu' link. A secondary navigation bar includes 'Find My Entity', 'Find My Entity (Cont)', 'Exemption Status', 'Contact Info', and a highlighted 'Done' button. The main content area is titled 'Success' and contains the following text:

You have successfully submitted your Cybersecurity Exemption form for

The exemptions filed are:
Section 500.19(a)(2)
Section 500.19(a)(3)

Please find your receipt number below:

The Covered Entity or licensed person is responsible for maintaining documentation sufficient to demonstrate the exemptions claimed. You may be asked to provide such documentation to the Department.

Please Note: ACTION IS STILL REQUIRED. The exemption(s) you submitted are limited exemptions that exempt from certain provisions of the regulation. Any Covered Entities and licensed persons exempt under these sections are required to maintain a cybersecurity program and file an annual Certification of Compliance to confirm compliance with the provisions of the regulation that apply to the Covered Entity. See the Cybersecurity FAQs on the DFS website for more information.

Receipt Number: E-2019-

For support regarding the submission of your Cybersecurity documents and filings, please contact: CyberRegComments@dfs.ny.gov

You're done with this one!