

Staff Summary

Subject NYS Department of Financial Services Cybersecurity Certification of Material Compliance for First Mutual Transportation Assurance Company	Date May 28, 2025
Department Finance	Vendor Name N/A
Department Head Name Kevin Willens, Chief Financial Officer	Contract Number N/A
Department Head Signature	Contract Manager Name N/A
Project Manager Name Claudia Reuben, Deputy Chief, Risk & Insurance Management	Table of Contents Ref # N/A

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance	5/28/2025	X			1	Legal		
2	Board	5/28/2025	X			2	Chief of Staff		
						3	CFO		

Purpose:

To obtain Board approval of the annual Cybersecurity Certification of Material Compliance filed with the NYS Department of Financial Services on April 11, 2025 for First Mutual Transportation Assurance Company (FMTAC), the MTA's captive insurance company.

Discussion:

On March 1, 2017, the New York State Department of Financial Services (NYDFS) enacted a regulation establishing cybersecurity requirements for financial services companies, 23 NYCRR Part 500 ("the Cybersecurity Regulation") which requires development and maintenance of a cybersecurity program at the company level. The regulation mandates that affected organizations implement measures to ensure their systems and private data remain secure, unaltered, and accessible. FMTAC developed a cybersecurity plan and test criteria to meet the requirements under the NY Cyber Law including qualification for limited exemptive relief provided by the captive exemption under 500.19(d) of the law.

On an annual basis, FMTAC is required to file a Certification of Material Compliance with NYDFS. The Certification, plan, and assessment results are in the exhibit book for your review.

The Certification and assessments have been updated to reflect changes in personnel as well as updates to the plan.

Alternative:

Not to adopt the 2025 Cybersecurity Certification of Material Compliance. This alternative is not recommended because the certification is required by the NYDFS.

Recommendation:

It is recommended that the Board adopt the attached.