

Senate Bill 1538

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires state agencies to notify Legislative Fiscal Office promptly concerning information security incidents and provide office with copies of and report results of information security assessments.

Requires heads of certain state agencies to provide annual report concerning information security to Joint Legislative Committee on Information Management and Technology.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to information security for the State of Oregon; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Information resources” means data and the means for storing, retrieving, connect-**
6 **ing or using data, including but not limited to records, files, databases, documents, software,**
7 **equipment and facilities that a state agency owns or leases.**

8 (b) **“Information security assessment” means:**

9 (A) **An organized method to determine a risk to or vulnerability of an information sys-**
10 **tem, including but not limited to:**

11 (i) **A risk assessment;**

12 (ii) **A vulnerability assessment; and**

13 (iii) **A security penetration test; and**

14 (B) **An independent examination and review of records, logs, policies, activities and**
15 **practices to:**

16 (i) **Assess whether a state agency’s information system is vulnerable to an information**
17 **security incident;**

18 (ii) **Ensure compliance with rules, policies, standards and procedures that the State Chief**
19 **Information Officer adopts or otherwise promulgates; and**

20 (iii) **Recommend necessary changes to a state agency’s information system, rules, poli-**
21 **cies, standards and procedures to ensure compliance and prevent information security inci-**
22 **dents.**

23 (c) **“Information security incident” means an incident in which:**

24 (A) **Access to, or viewing, copying, transmission, theft or usage of, a state agency’s**
25 **sensitive, protected or confidential information occurs without authorization from the state**
26 **agency;**

27 (B) **A failure of compliance with a state agency’s security or acceptable use policies or**
28 **practices occurs that could or does leave the state agency’s information system or informa-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 tion resources vulnerable to access, viewing, copying, transmission, theft or usage without
2 authorization from the state agency; or

3 (C) A state agency's information system or information resources become unavailable in
4 a reliable and timely manner to authorized individuals or organizations, or are modified or
5 deleted, under circumstances that the state agency does not plan or initiate.

6 (d) "Information system" means a system of computers and related hardware, software,
7 storage media and networks and any other means by which a state agency collects, uses or
8 manages the state agency's information resources.

9 (e) "State agency" means an agency or instrumentality of this state the costs of which
10 are paid wholly or in part from funds held in the State Treasury, except:

11 (A) Public universities listed in ORS 352.002; and

12 (B) The Oregon State Lottery and entities with which the Oregon State Lottery has a
13 contract or agreement with respect to the Oregon State Lottery's gaming systems or net-
14 works.

15 (2) A state agency shall promptly notify the Legislative Fiscal Office of an information
16 security incident and in the notification describe the actions the state agency has taken or
17 must reasonably take to prevent, mitigate or recover from damage to, unauthorized access
18 to, unauthorized modifications or deletions of or other impairments of the integrity of the
19 state agency's information system or information resources.

20 (3) Each state agency shall periodically conduct, oversee or cooperate with an informa-
21 tion security assessment and shall provide the Legislative Fiscal Office with copies of and
22 report the results of the information security assessment of the state agency's information
23 system or information resources within 30 days after the state agency receives the results
24 of the information security assessment.

25 (4)(a) The State Chief Information Officer, the Secretary of State, the State Treasurer,
26 the Attorney General, the State Court Administrator and the Legislative Administrator shall
27 each submit to, and present in an appropriate hearing or other proceeding before, the Joint
28 Legislative Committee on Information Management and Technology an annual report con-
29 cerning the security of the information systems and information resources over which the
30 State Chief Information Officer, the Secretary of State, the State Treasurer, the Attorney
31 General, the State Court Administrator or the Legislative Administrator has direct or su-
32 pervisory control.

33 (b) Notwithstanding ORS 192.660 (8), the Joint Legislative Audit Committee and the Joint
34 Legislative Committee on Information Management and Technology may hold executive ses-
35 sions under ORS 192.660 to consider or discuss reports, documents, testimony or other ma-
36 terials that are exempt from public disclosure under ORS 192.410 to 192.505 or to discuss
37 information about reviewing or approving programs related to information security.

38 (5)(a) The Legislative Fiscal Office shall use the notification the office receives under
39 subsection (2) of this section and the copies and reports the office receives under subsection
40 (3) of this section solely for the purpose of providing support and assistance to the Joint
41 Legislative Committee on Information Management and Technology and the Joint Legislative
42 Audit Committee.

43 (b)(A) Except as provided in subparagraph (B) of this paragraph, the Legislative Fiscal
44 Officer or an employee of the Legislative Fiscal Office may not reveal to any other person
45 the nature or contents of the notifications that the office receives under subsection (2) of

1 this section or the copies and reports the office receives under subsection (3) of this section
 2 to the extent that the notifications, copies or reports are exempt from disclosure under ORS
 3 192.410 to 192.505.

4 (B) The Legislative Fiscal Officer or an employee of the Legislative Fiscal Office may
 5 disclose the nature or contents of the notifications, copies or reports described in subpara-
 6 graph (A) of this paragraph solely with the written consent of:

7 (i) The State Chief Information Officer, with respect to materials that a state agency
 8 within the executive department, as defined in ORS 174.112, provided;

9 (ii) The Secretary of State, with respect to materials that the office of the Secretary of
 10 State provided;

11 (iii) The State Treasurer, with respect to materials that the office of the State Treasurer
 12 provided;

13 (iv) The Attorney General, with respect to materials that the Department of Justice
 14 provided;

15 (v) The State Court Administrator, with respect to materials that a court or a state
 16 agency within the judicial department, as defined in ORS 174.113, provided; or

17 (vi) The Legislative Administrator, with respect to materials that a state agency within
 18 the legislative department, as defined in ORS 174.114, provided.

19 **SECTION 2.** (1) Section 1 of this 2016 Act becomes operative on July 1, 2016.

20 (2) A state agency may adopt rules and take any other action before the operative date
 21 specified in subsection (1) of this section that is necessary to enable the state agency to ex-
 22 ercise, on and after the operative date specified in subsection (1) of this section, all of the
 23 duties, functions and powers conferred on the state agency by section 1 of this 2016 Act.

24 **SECTION 3.** This 2016 Act being necessary for the immediate preservation of the public
 25 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect
 26 on its passage.

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