

SB 1538-1  
(LC 91)  
2/5/16 (TSB/ps)

Requested by JOINT LEGISLATIVE COMMITTEE ON INFORMATION MANAGEMENT AND  
TECHNOLOGY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1538**

1 On page 1 of the printed bill, delete lines 9 through 13 and insert:

2 “(A) An organized method to determine a risk to or a vulnerability of a  
3 state agency’s information system or a third party information service to  
4 which a state agency subscribes; and”.

5 In line 19, after “Officer” insert “or a state agency, under the state  
6 agency’s independent authority,”.

7 In line 20, delete “information system,”.

8 Delete lines 23 through 28.

9 On page 2, delete lines 1 through 10 and insert:

10 “(c) ‘Information security incident’ means an incident that creates a risk  
11 of harm to a state agency or the state agency’s operations and in which:

12 “(A) Access to, or viewing, copying, transmission, theft or usage of, a  
13 state agency’s sensitive, protected or confidential information occurs without  
14 authorization from the state agency;

15 “(B) A failure of compliance with a state agency’s security or acceptable  
16 use policies or practices occurs that results in access to a state agency’s  
17 information system or information resources for viewing, copying, trans-  
18 mission, theft or use without the state agency’s authorization; or

19 “(C) A state agency’s information system or information resources or a  
20 third party information service to which a state agency subscribes becomes  
21 unavailable in a reliable and timely manner to authorized individuals or or-

1 ganizations, or is modified or deleted under circumstances that the state  
2 agency does not intend, plan or initiate.

3 “(d)(A) ‘Information system’ means a system of computers and related  
4 hardware, software, storage media and networks and any other means by  
5 which a state agency collects, uses or manages the state agency’s informa-  
6 tion resources.

7 “(B) ‘Information system’ does not include a third party information ser-  
8 vice to which a state agency subscribes if the third party information service  
9 incorporates or uses hardware, software, storage media and networks that  
10 the state agency does not own or lease or that the state agency does not have  
11 the legal authority to directly monitor or control.

12 “(e) ‘State agency’ means an officer, board, commission, department,  
13 agency or institute of state government, as defined in ORS 174.111,  
14 except:”.

15 In line 16, delete “in the notification”.

16 Delete lines 20 through 24 and insert:

17 “(3) Each state agency shall periodically conduct or contract for an in-  
18 formation security assessment of the state agency’s information system and  
19 information resources and shall request results from a third party’s infor-  
20 mation security assessment of an information service that the third party  
21 provides and to which the state agency subscribes. Each state agency shall  
22 notify the Legislative Fiscal Office of the information security assessment  
23 after the state agency receives the results of the information security as-  
24 sessment.”.

25 Delete lines 33 through 45.

26 On page 3, delete lines 1 through 6 and insert:

27 “(b) The annual report described in paragraph (a) of this subsection may  
28 not include information security information or other materials that are ex-  
29 empt from disclosure under ORS 192.410 to 192.505.

30 “(5)(a) The Legislative Fiscal Office shall use the notifications the office

1 receives under subsections (2) and (3) of this section, and any other infor-  
2 mation about an information security assessment or an information security  
3 incident that a state agency provides to the office, via a method and at a  
4 level of detail to which the state agency and the office agree, solely for the  
5 purpose of providing support and assistance to the Joint Legislative Com-  
6 mittee on Information Management and Technology, the Joint Committee on  
7 Ways and Means and the Joint Legislative Audit Committee.

8 “(b)(A) Except as provided in subparagraph (B) of this paragraph, the  
9 Legislative Fiscal Officer or an employee of the Legislative Fiscal Office may  
10 not disclose to any other person the nature or contents of the notifications  
11 that the office receives under subsections (2) and (3) of this section or any  
12 other information described in paragraph (a) of this subsection to the extent  
13 that the notifications or the information are exempt from disclosure under  
14 ORS 192.410 to 192.505.

15 “(B) The Legislative Fiscal Officer or an employee of the Legislative  
16 Fiscal Office may disclose the nature or contents of the notifications or in-  
17 formation described in subparagraph (A) of this paragraph if the officer or  
18 employee obtains the written consent of:”

19 In line 7, delete “materials” and insert “notifications and information”.

20 In line 9, delete “materials” and insert “notifications and information”.

21 In line 11, delete “materials” and insert “notifications and information”.

22 In line 13, delete “materials” and insert “notifications and information”.

23 In line 15, delete “materials” and insert “notifications and information”.

24 In line 17, delete “materials” and insert “notifications and information”.

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