

D R A F T

SUMMARY

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
3 emergency.

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

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

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

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

11 (A) **An organized method to determine a risk to or vulnerability of**
12 **an information system, including but not limited to:**

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

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

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

16 (B) **An independent examination and review of records, logs, poli-**
17 **cies, activities and practices to:**

18 (i) **Assess whether a state agency’s information system is vulner-**

1 able to an information security incident;

2 (ii) Ensure compliance with rules, policies, standards and proce-
3 dures that the State Chief Information Officer adopts or otherwise
4 promulgates; and

5 (iii) Recommend necessary changes to a state agency's information
6 system, rules, policies, standards and procedures to ensure compliance
7 and prevent information security incidents.

8 (c) "Information security incident" means an incident in which:

9 (A) Access to, or viewing, copying, transmission, theft or usage of,
10 a state agency's sensitive, protected or confidential information occurs
11 without authorization from the state agency;

12 (B) A failure of compliance with a state agency's security or ac-
13 ceptable use policies or practices occurs that could or does leave the
14 state agency's information system or information resources vulnerable
15 to access, viewing, copying, transmission, theft or usage without au-
16 thorization from the state agency; or

17 (C) A state agency's information system or information resources
18 become unavailable in a reliable and timely manner to authorized in-
19 dividuals or organizations, or are modified or deleted, under circum-
20 stances that the state agency does not plan or initiate.

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

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

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

29 (B) The Oregon State Lottery and entities with which the Oregon
30 State Lottery has a contract or agreement with respect to the Oregon
31 State Lottery's gaming systems or networks.

1 **(2) A state agency shall promptly notify the Legislative Fiscal Office**
2 **of an information security incident and in the notification describe the**
3 **actions the state agency has taken or must reasonably take to prevent,**
4 **mitigate or recover from damage to, unauthorized access to, unau-**
5 **thorized modifications or deletions of or other impairments of the in-**
6 **tegrity of the state agency's information system or information**
7 **resources.**

8 **(3) Each state agency shall periodically conduct, oversee or coop-**
9 **erate with an information security assessment and shall provide the**
10 **Legislative Fiscal Office with copies of and report the results of the**
11 **information security assessment of the state agency's information**
12 **system or information resources within 30 days after the state agency**
13 **receives the results of the information security assessment.**

14 **(4)(a) The State Chief Information Officer, the Secretary of State,**
15 **the State Treasurer, the Attorney General, the State Court Adminis-**
16 **trator and the Legislative Administrator shall each submit to, and**
17 **present in an appropriate hearing or other proceeding before, the Joint**
18 **Legislative Committee on Information Management and Technology**
19 **an annual report concerning the security of the information systems**
20 **and information resources over which the State Chief Information**
21 **Officer, the Secretary of State, the State Treasurer, the Attorney**
22 **General, the State Court Administrator or the Legislative Adminis-**
23 **trator has direct or supervisory control.**

24 **(b) Notwithstanding ORS 192.660 (8), the Joint Legislative Audit**
25 **Committee and the Joint Legislative Committee on Information Man-**
26 **agement and Technology may hold executive sessions under ORS**
27 **192.660 to consider or discuss reports, documents, testimony or other**
28 **materials that are exempt from public disclosure under ORS 192.410 to**
29 **192.505 or to discuss information about reviewing or approving pro-**
30 **grams related to information security.**

31 **(5)(a) The Legislative Fiscal Office shall use the notification the**

1 office receives under subsection (2) of this section and the copies and
2 reports the office receives under subsection (3) of this section solely
3 for the purpose of providing support and assistance to the Joint Leg-
4 islative Committee on Information Management and Technology and
5 the Joint Legislative Audit Committee.

6 (b)(A) Except as provided in subparagraph (B) of this paragraph, the
7 Legislative Fiscal Officer or an employee of the Legislative Fiscal Of-
8 fice may not reveal to any other person the nature or contents of the
9 notifications that the office receives under subsection (2) of this sec-
10 tion or the copies and reports the office receives under subsection (3)
11 of this section to the extent that the notifications, copies or reports
12 are exempt from disclosure under ORS 192.410 to 192.505.

13 (B) The Legislative Fiscal Officer or an employee of the Legislative
14 Fiscal Office may disclose the nature or contents of the notifications,
15 copies or reports described in subparagraph (A) of this paragraph
16 solely with the written consent of:

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

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

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

24 (iv) The Attorney General, with respect to materials that the De-
25 partment of Justice provided;

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

29 (vi) The Legislative Administrator, with respect to materials that
30 a state agency within the legislative department, as defined in ORS
31 174.114, provided.

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

3 **(2) A state agency may adopt rules and take any other action before**
4 **the operative date specified in subsection (1) of this section that is**
5 **necessary to enable the state agency to exercise, on and after the op-**
6 **erative date specified in subsection (1) of this section, all of the duties,**
7 **functions and powers conferred on the state agency by section 1 of this**
8 **2016 Act.**

9 **SECTION 3. This 2016 Act being necessary for the immediate pres-**
10 **ervation of the public peace, health and safety, an emergency is de-**
11 **clared to exist, and this 2016 Act takes effect on its passage.**

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