LLS NO. 17-0091.01 Richard Sweetman x4333   **HOUSE BILL 17-1069**

HOUSE SPONSORSHIP

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House Committees	Senate Committees
State, Veterans, & Military Affairs	

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A SUBCOMMITTEE TO ADDRESS**
102   **INFORMATION SECURITY, AND, IN CONNECTION THEREWITH,**
103   **CHARGING THE SUBCOMMITTEE TO CONSIDER STRATEGIES FOR**
104   **PROTECTING DATA AND OTHER INFORMATION RESOURCES OF**
105   **THE STATE AGAINST UNAUTHORIZED ACCESS, DISCLOSURE, USE,**
106   **MODIFICATION, OR DESTRUCTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov/.)

The bill creates within the joint technology committee a

subcommittee on data privacy and cyber-security (subcommittee) to consider:

! Whether state governmental agencies are collecting or retaining data that exceeds what is necessary and appropriate for such agencies to perform their functions;

! Who has access to sensitive data, the extent of such access, and appropriate measures to protect sensitive data; and

! Measures to protect sensitive data against unauthorized access, disclosure, use, modification, or destruction.

The subcommittee shall submit its findings to the joint technology committee and to the general assembly by January 1, 2018. The subcommittee is repealed, effective July 1, 2018.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-1705.5 as

3 follows:

4 **2-3-1705.5. Subcommittee on data privacy and cyber-security**

5 **- creation - membership - duties - repeal.** (1) THERE IS CREATED

6 WITHIN THE COMMITTEE THE SUBCOMMITTEE ON DATA PRIVACY AND

7 CYBER-SECURITY, REFERRED TO WITHIN THIS SECTION AS THE

8 "SUBCOMMITTEE".

9 (2) THE SUBCOMMITTEE CONSISTS OF THE FOLLOWING TEN

10 MEMBERS:

11 (a) ONE MEMBER OF THE MAJORITY PARTY OF THE HOUSE OF

12 REPRESENTATIVES, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF

13 REPRESENTATIVES;

14 (b) ONE MEMBER OF THE MINORITY PARTY OF THE HOUSE OF

15 REPRESENTATIVES, TO BE APPOINTED BY THE HOUSE MINORITY LEADER;

16 (c) ONE MEMBER OF THE MAJORITY PARTY OF THE SENATE, TO BE

17 APPOINTED BY THE PRESIDENT OF THE SENATE;

18 (d) ONE MEMBER OF THE MINORITY PARTY OF THE SENATE, TO BE

19 APPOINTED BY THE SENATE MINORITY LEADER;

1   (e) FIVE MEMBERS TO BE APPOINTED BY THE GOVERNOR, AS

2 FOLLOWS:

3   (I) ONE MEMBER REPRESENTING AN INSTITUTION OF HIGHER

4 EDUCATION IN THE STATE WITH A DEPARTMENT OR PROGRAM RELATED TO

5 CYBER-SECURITY;

6   (II) ONE MEMBER REPRESENTING AN INSTITUTION OF HIGHER

7 EDUCATION IN THE STATE WITH A DEPARTMENT OR PROGRAM RELATED TO

8 DATA PRIVACY;

9   (III) ONE MEMBER REPRESENTING A NONPROFIT ORGANIZATION

10 THAT IS INVOLVED WITH ISSUES RELATED TO DATA PRIVACY;

11   (IV) ONE MEMBER REPRESENTING COUNTY GOVERNMENT WHO HAS

12 EXPERTISE IN ISSUES RELATED TO DATA PRIVACY; AND

13   (V) ONE MEMBER REPRESENTING THE OFFICE OF INFORMATION

14 TECHNOLOGY CREATED IN SECTION 24-37.5-103; AND

15   (f) THE CHIEF INFORMATION SECURITY OFFICER APPOINTED

16 PURSUANT TO SECTION 24-37.5-403.

17   (3) (a) EACH MEMBER OF THE SUBCOMMITTEE MAY SERVE

18 INDEFINITELY AT THE PLEASURE OF HIS OR HER APPOINTING AUTHORITY

19 AND CONTINUE SERVING UNTIL A SUCCESSOR IS APPOINTED.

20   (b) THE MEMBERS OF THE SUBCOMMITTEE MAY SELECT ONE

21 MEMBER TO SERVE AS CHAIR OF THE SUBCOMMITTEE AND ANOTHER

22 MEMBER TO SERVE AS VICE-CHAIR.

23   (4) THE SUBCOMMITTEE SHALL CONSIDER:

24   (a) WHETHER STATE GOVERNMENTAL AGENCIES ARE COLLECTING

25 OR RETAINING DATA THAT EXCEEDS WHAT IS NECESSARY AND

26 APPROPRIATE FOR SUCH AGENCIES TO PERFORM THEIR FUNCTIONS. TO THIS

27 END, THE SUBCOMMITTEE SHALL SELECT THREE STATE AGENCIES THAT

1   COLLECT PERSONAL IDENTIFYING DATA AS PART OF IMPLEMENTING THEIR

2   STATUTORY OBLIGATIONS. THE SUBCOMMITTEE SHALL EXAMINE HOW

3   EACH OF THESE AGENCIES DETERMINES WHAT DATA TO OBTAIN RELATIVE

4   TO ITS STATUTORY OBLIGATIONS, INCLUDING CONSIDERATION OF

5   WHETHER THE AGENCY IS IMPLEMENTING A POLICY FOR THE MINIMIZATION

6   OF THE COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION TO THE

7   LEAST AMOUNT OF INFORMATION REQUIRED TO COMPLETE A PARTICULAR

8   TRANSACTION, AS DESCRIBED IN SECTION 24-72-502 (1)(b). ON OR BEFORE

9   DECEMBER 31, 2017, THE SUBCOMMITTEE SHALL HOLD A PUBLIC HEARING

10 AT WHICH REPRESENTATIVES OF EACH OF THESE AGENCIES SHALL APPEAR,

11 EXPLAIN HOW THE COLLECTION OF SUCH DATA RELATES TO THE AGENCY'S

12 DUTIES, AND IDENTIFY ANY FEDERAL OR STATE LAWS THAT CONCERN

13 DATA PRIVACY AND THAT APPLY TO EACH AGENCY'S PROGRAMS. EACH

14 PUBLIC HEARING MUST INCLUDE AMPLE TIME FOR MEMBERS OF THE PUBLIC

15 TO OFFER TESTIMONY.

16   (b) WHO HAS ACCESS TO DATA, THE EXTENT OF SUCH ACCESS, AND

17 APPROPRIATE MECHANISMS TO PROTECT SENSITIVE DATA. TO THIS END,

18 THE SUBCOMMITTEE SHALL HOLD A PUBLIC HEARING AT WHICH THE

19 SUBCOMMITTEE SHALL EXAMINE THE COLORADO INFORMATION SECURITY

20 POLICIES AND HOW STATE AGENCIES ARE ADDRESSING ACCESS TO DATA BY

21 OTHER STATE AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS.

22 DURING THE HEARING, THE SUBCOMMITTEE SHALL PROVIDE AMPLE TIME

23 FOR MEMBERS OF THE PUBLIC TO PROVIDE TESTIMONY.

24   (c) MEASURES TO PROTECT DATA AGAINST UNAUTHORIZED

25 ACCESS, DISCLOSURE, USE, MODIFICATION, OR DESTRUCTION. THIS REVIEW

26 IS NOT INTENDED TO DUPLICATE THE WORK OF THE COMMITTEE.

27   (5) ALL STATE AND LOCAL AGENCIES SHALL COOPERATE WITH THE

1   SUBCOMMITTEE AND PROVIDE SUCH DATA AND OTHER INFORMATION AS

2   THE SUBCOMMITTEE MAY REQUIRE IN CARRYING OUT ITS DUTIES UNDER

3   THIS SECTION. ANY STATE OR LOCAL AGENCY OR ORGANIZATION THAT IS

4   REPRESENTED ON THE SUBCOMMITTEE MAY PROVIDE STAFF ASSISTANCE

5   TO THE SUBCOMMITTEE, SUBJECT TO THE DISCRETION OF THE CHAIR. ANY

6   STAFF ASSISTANCE PROVIDED TO THE SUBCOMMITTEE PURSUANT TO THIS

7   SUBSECTION (5) IS WITHOUT COMPENSATION.

8   (6) THE SUBCOMMITTEE SHALL:

9   (a) HOLD A PUBLIC HEARING AT LEAST THREE TIMES EACH

10 CALENDAR YEAR, OR MORE OFTEN AS DIRECTED BY THE CHAIR OF THE

11 SUBCOMMITTEE. EACH PUBLIC HEARING MUST INCLUDE AMPLE TIME FOR

12 MEMBERS OF THE PUBLIC TO OFFER TESTIMONY.

13   (b) COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS

14 THROUGHOUT THE STATE AFFECTED BY THE ISSUES IDENTIFIED IN

15 SUBSECTION (4) OF THIS SECTION;

16   (c) SUBMIT ITS FINDINGS AND RECOMMENDATIONS TO THE

17 COMMITTEE AND TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1,

18 2018. THE FINDINGS, AT A MINIMUM, MUST INCLUDE THE FOLLOWING:

19   (I) WHETHER ANY ADDITIONAL AREAS CONCERNING DATA

20 PRIVACY AND CYBER-SECURITY SHOULD BE REVIEWED BY THE

21 SUBCOMMITTEE;

22   (II) WHETHER LEGISLATION IS NECESSARY TO LIMIT THE

23 COLLECTION OF AND ACCESS TO DATA; AND

24   (III) WHETHER THE GENERAL ASSEMBLY SHOULD EXTEND THE

25 DATE UPON WHICH THE SUBCOMMITTEE IS REPEALED PURSUANT TO

26 SUBSECTION (8) OF THIS SECTION, SO AS TO ALLOW THE SUBCOMMITTEE TO

27 CONTINUE ITS WORK.

1   (7) NONLEGISLATIVE MEMBERS OF THE SUBCOMMITTEE SERVE

2 WITHOUT COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FOR ACTUAL

3 TRAVEL EXPENSES.

4   (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018, UNLESS

5 EXTENDED BY THE GENERAL ASSEMBLY.

6   **SECTION 2. Act subject to petition - effective date.** This act

7 takes effect at 12:01 a.m. on the day following the expiration of the

8 ninety-day period after final adjournment of the general assembly (August

9 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

10 referendum petition is filed pursuant to section 1 (3) of article V of the

11 state constitution against this act or an item, section, or part of this act

12 within such period, then the act, item, section, or part will not take effect

13 unless approved by the people at the general election to be held in

14 November 2018 and, in such case, will take effect on the date of the

15 official declaration of the vote thereon by the governor.