

OVERVIEW OF STATE CYBERSECURITY LAWS & LEGISLATION

PAM GREENBERG, NCSL | NASS 2019 SUMMER CONFERENCE | JULY 2019



ABOUT NCSL

- Serves 7,383 legislators and 25,000 legislative staff.
- Provides nonpartisan research and analysis
- Links legislators with each other and with experts
- Speaks on behalf of state legislatures in D.C.

NCSL CYBERSECURITY TASK FORCE

Mission:

- Educate and engage task force members in cybersecurity policy discussions.
- Extend networking opportunities among legislative leaders on cybersecurity issues.
- Engage with strategic partners and extend networks to develop and maintain security programs.
- Provide well-defined programs on key and critical cyber policy issues.

CYBERSECURITY LAWS & LEGISLATION: AGENDA

Cybersecurity Laws & 2019 Legislation/Trends

- Private sector
- Government

Public Records Laws & Cybersecurity

- Current laws
- 2019 legislation/trends



DEFINITIONS

Cybersecurity: Defending against attacks to various networks, computers and data.

Data security: Protecting information from unauthorized access.

Privacy: Controlling who has access to personal information.



STATE CYBERSECURITY LAWS & LEGISLATION

CYBERSECURITY/DATA SECURITY LAWS

Private sector

- Breach notification laws=50 states
- Data security laws=25 states



STATE CYBERSECURITY LAWS & LEGISLATION

CYBERSECURITY/DATA SECURITY LAWS

Government

Data security laws=29 states

- Statewide authority, oversight
- “Reasonable security” practices
- Specific security requirements



STATE CYBERSECURITY LAWS & LEGISLATION

CYBERSECURITY/DATA SECURITY LAWS

Data Disposal Laws

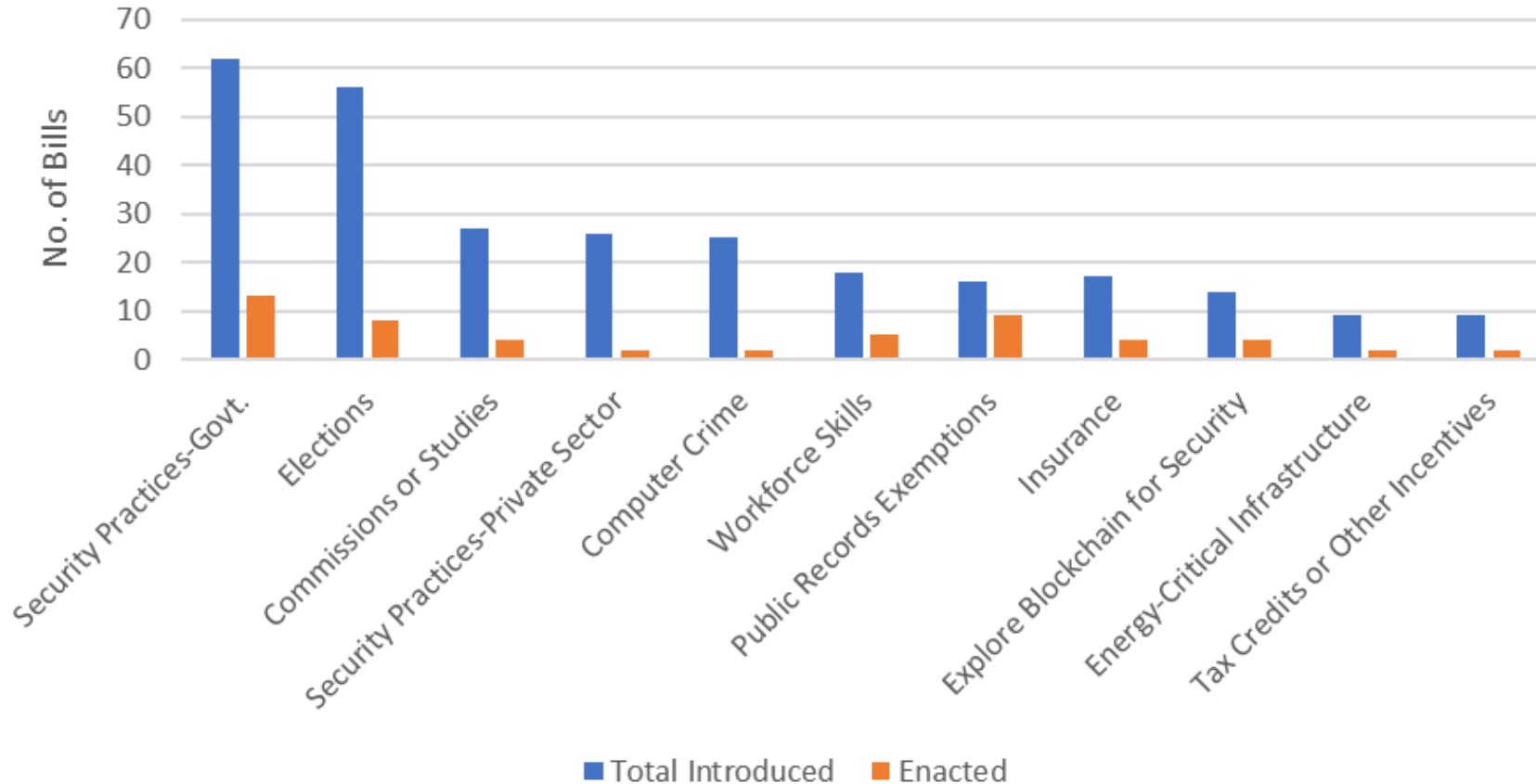
- For private sector=34 states
- For government=14 states



STATE CYBERSECURITY LAWS & LEGISLATION

2019 CYBERSECURITY LEGISLATION

2019 Cybersecurity Legislation by Category



2019 CYBERSECURITY ENACTMENTS

Key cybersecurity enactments—

Private sector:

- Connected devices/IoT (OR, WA)
- Insurance (AL, CT, KS, MS)
- Security practices/requirements (∅)



Top 3 cybersecurity enactments—Government:

- Security requirements for government
- Elections security
- Public records exemptions for cybersecurity



2019 CYBERSECURITY ENACTMENTS

Cybersecurity enactments— Government:

- Centralizing cybersecurity authority (ND, NV, VT, WV)
- Security requirements (NV, OK, WV)
- Emergency preparedness (MT, NV)
- Req. govt. employee training (TX)
- Explore blockchain for security (FL)



2019 CYBERSECURITY ENACTMENTS

Cybersecurity enactments— Elections:

- Security practices (IA, IN, NV, OK, TX, VA)



State Laws: Confidentiality of Cybersecurity Information

- *Expressly* refer to cyber threats, cybersecurity systems = 23 states
- Refers only to systems or technology in the context of anti-terrorism or homeland security threats = 5 states
- Refers to “security systems,” plans, etc., *without* specific reference to information systems or technology = 5 states



Public Records & Cybersecurity 2019 Enactments

- Exemption of cybersecurity information from disclosure (IN, MS, ND, NV, WV)



STATE LEGISLATIVE UPDATE

TRENDS IN CYBERSECURITY LEGISLATION 2018

NCSL Web Resources: www.ncsl.org

- Security Breach Laws and Legislation
- Cybersecurity Legislation 2016-2018
- Data Security Laws – Private Sector
- Data Security Laws – Government
- Data Disposal Statutes
- Computer Crime Statutes
- Election Security: State Policies

Questions?

Additional Information

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