

3405

2015-2016 Regular Sessions

I N S E N A T E

February 6, 2015

Introduced by Sens. CROCI, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to a cyber security report

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The executive law is amended by adding a new section 719 to  
2 read as follows:

3 S 719. QUINQUENNIAL CYBER SECURITY REPORT. 1. THE COMMISSIONER, IN  
4 CONSULTATION WITH THE SUPERINTENDENT OF THE STATE POLICE, THE CHIEF  
5 INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER FOR INTERNET SECU-  
6 RITY, SHALL PREPARE A REPORT, TO BE DELIVERED TO THE GOVERNOR, THE  
7 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE  
8 CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY  
9 AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE  
10 ON GOVERNMENTAL OPERATIONS, ON OR BEFORE THE FIRST DAY OF SEPTEMBER, TWO  
11 THOUSAND FIFTEEN, AND THEN EVERY FIVE YEARS THEREAFTER, WHICH PROVIDES A  
12 COMPREHENSIVE REVIEW OF ALL CYBER SECURITY SERVICES PERFORMED BY, AND ON  
13 BEHALF OF, THE STATE OF NEW YORK.

14 2. THE REPORT REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION,  
15 SHALL INCLUDE A DETAILED ASSESSMENT OF EACH AND EVERY CYBER SECURITY  
16 NEED OF THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ITS STATE  
17 AGENCIES AND ITS PUBLIC AUTHORITIES, AND FOR EACH AND EVERY SUCH CYBER  
18 SECURITY NEED SO IDENTIFIED, SHALL FURTHER INCLUDE A DETAILED  
19 DESCRIPTION OF:

20 (A) THE TYPE OF CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;  
21 (B) THE SCOPE OF THE NEED SO ADDRESSED, AS WELL AS THE SCOPE OF THE  
22 SERVICE USED TO ADDRESS SUCH NEED;  
23 (C) THE COST OF THE SERVICE USED TO ADDRESS SUCH NEED;  
24 (D) THE EFFECTIVENESS OF THE CYBER SECURITY SERVICE USED TO ADDRESS  
25 SUCH NEED;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 (E) THE ENTITY PROVIDING SUCH CYBER SECURITY SERVICE USED TO ADDRESS  
2 SUCH NEED;

3 (F) THE GOVERNMENT, INDUSTRY AND/OR ACADEMICALLY ACCEPTED BEST CYBER  
4 SECURITY PRACTICE FOR ADDRESSING SUCH NEED;

5 (G) HOW OTHER STATES, AND THE FEDERAL GOVERNMENT HAVE ADDRESSED SUCH  
6 NEED; AND

7 (H) HOW PRIVATE SECTOR ENTITIES ADDRESSED SUCH NEED.

8 3. DURING THE PREPARATION OF THE REPORT REQUIRED BY SUBDIVISION ONE OF  
9 THIS SECTION, AND AFTER ITS DELIVERY TO THE PERSONS IDENTIFIED TO  
10 RECEIVE SUCH REPORT, THE COMMISSIONER, THE SUPERINTENDENT OF THE STATE  
11 POLICE, THE CHIEF INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER  
12 FOR INTERNET SECURITY, AS WELL AS THE DIVISIONS, OFFICES AND CORPO-  
13 RATIONS UNDER THEIR DIRECTION, SHALL PROVIDE TO SUCH PERSONS ENTITLED TO  
14 RECEIVE SUCH REPORT, ANY AND ALL ADDITIONAL INFORMATION SUCH PERSONS MAY  
15 REQUEST, WITH RESPECT TO ANY CYBER SECURITY ISSUE CONCERNING:

16 (A) THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ANY AGENCY,  
17 BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION, OFFICE, OR  
18 PUBLIC AUTHORITY OF THE STATE;

19 (B) ANY LOCAL GOVERNMENT ENTITY, INCLUDING BUT NOT LIMITED TO, ANY  
20 COUNTY, TOWN, CITY, VILLAGE, SCHOOL DISTRICT, SPECIAL DISTRICT, AND ANY  
21 AGENCY, BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION,  
22 OFFICE, OR PUBLIC AUTHORITY OF SUCH LOCAL GOVERNMENT ENTITY;

23 (C) ANY REGULATED ENTITY OF THE STATE OF NEW YORK OR LOCAL GOVERNMENT  
24 ENTITY;

25 (D) ANY NOT-FOR-PROFIT CORPORATION IN THE STATE OF NEW YORK;

26 (E) ANY PRIVATE SECTOR BUSINESS IN THE STATE OF NEW YORK, INCLUDING  
27 BUT NOT LIMITED TO, A SOLE PROPRIETOR, PARTNERSHIP, LIMITED LIABILITY  
28 COMPANY OR BUSINESS CORPORATION; AND/OR

29 (F) ANY CITIZEN OF THE STATE OF NEW YORK.

30 4. WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF  
31 CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION  
32 WHICH IN THE JUDGMENT OF THE COMMISSIONER WOULD JEOPARDIZE THE CYBER  
33 SECURITY OF THE STATE:

34 (A) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO  
35 THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVISION  
36 ONE OF THIS SECTION, AS FOLLOWS:

37 (I) IN THE CASE OF THE REPORT REQUIRED BY SUBDIVISION ONE OF THIS  
38 SECTION, IN THE FORM OF A SUPPLEMENTAL APPENDIX TO THE REPORT; AND

39 (II) IN THE CASE OF A RESPONSE TO A REQUEST FOR INFORMATION MADE IN  
40 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, IN A SECURE MANNER AS  
41 DETERMINED BY THE COMMISSIONER;

42 (B) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDEN-  
43 TIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION  
44 THREE OF THIS SECTION, SHALL BE POSTED ON THE DIVISION'S WEBSITE AS  
45 REQUIRED BY SUBDIVISION FIVE OF THIS SECTION;

46 (C) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDEN-  
47 TIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION  
48 THREE OF THIS SECTION, SHALL BE SUBJECT TO THE PROVISIONS OF THE FREEDOM  
49 OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW;  
50 AND

51 (D) THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVI-  
52 SION ONE OF THIS SECTION, MAY DISCLOSE THE SUPPLEMENTAL APPENDIX TO THE  
53 REPORT, AND ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN  
54 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, TO THEIR PROFESSIONAL  
55 STAFF, BUT SHALL NOT OTHERWISE PUBLICLY DISCLOSE SUCH CONFIDENTIAL OR  
56 SECURE INFORMATION.

1 5. EXCEPT WITH RESPECT TO ANY CONFIDENTIAL OR SENSITIVE INFORMATION AS  
2 DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, THE DIVISION SHALL POST A  
3 COPY OF THE REPORT PREPARED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS  
4 SECTION, ON ITS WEBSITE, NOT MORE THAN FIFTEEN DAYS AFTER SUCH REPORT IS  
5 DELIVERED TO THE PERSONS ENTITLED TO RECEIVE SUCH REPORT. THE DIVISION  
6 MAY FURTHER POST ANY AND ALL FURTHER INFORMATION IT MAY DEEM APPROPRI-  
7 ATE, ON ITS WEBSITE, REGARDING CYBER SECURITY, AND THE PROTECTION OF  
8 PUBLIC AND PRIVATE COMPUTER SYSTEMS, NETWORKS, HARDWARE AND SOFTWARE.  
9 S 2. This act shall take effect immediately.