

# STATE OF NEW YORK

8501--A

2017-2018 Regular Sessions

## IN ASSEMBLY

June 16, 2017

Introduced by M. of A. PAULIN, FAHY -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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  
2 to read as follows:

3 § 719. Cyber security. 1. Cyber security action plan. The commissioner,  
4 in consultation with the chief information officer of the office of  
5 information technology, the superintendent of state police, the commis-  
6 sioner of general services, the superintendent of financial services,  
7 the office of the state comptroller, and such other experts from the  
8 public, private and not-for-profit sectors who maintain experience and  
9 knowledge in the area of cyber security as the commissioner deems  
10 prudent, shall develop a cyber security action plan for New York state.  
11 The plan shall make recommendations to the governor and the legislature  
12 regarding the establishment of a new state office of cyber security,  
13 under the command and control of the commissioner and within the divi-  
14 sion, including identifying such bureaus, responsibilities and duties  
15 that should be contained and performed within such office, the budget  
16 and personnel necessary to establish such office, and the site locations  
17 at which such office should be situated. The purpose of the plan shall  
18 be to develop a comprehensive and effective strategy to provide meaning-  
19 ful cyber security for the state of New York, its state agencies, its  
20 public authorities, its assets, its infrastructure, its local govern-  
21 ments, and its private sector businesses, not-for-profit corporations  
22 and individuals.

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

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1 2. Cyber security defense unit. The cyber security action plan estab-  
2 lished pursuant to subdivision one of this section shall further make  
3 recommendations to the governor and the legislature on the establish-  
4 ment, within the office of cyber security, of a cyber security defense  
5 unit. The cyber security action plan shall detail how the cyber security  
6 defense unit, would consist of such persons as the commissioner deems  
7 necessary to perform its mission. The cyber security action plan shall  
8 further detail the mission of the cyber security defense unit, with such  
9 mission being to help prevent, respond to, and recover from cyber  
10 attacks targeted against the state, its assets, and its infrastructure,  
11 together with such other and further duties and responsibilities as the  
12 cyber security action plan may additionally prescribe. The cyber secu-  
13 rity action plan shall further detail that the personnel of the cyber  
14 security defense unit must be expert in computer and programming tech-  
15 nology so as to prevent and respond to unauthorized invasion, hacking  
16 and attacks against computer networks, systems, databases, and informa-  
17 tion storage. The cyber security action plan shall further detail how  
18 the personnel of the cyber security defense unit must have background  
19 and experience in computer, system and network operations and vulner-  
20 abilities, programming code, data recovery and cyber security. The  
21 cyber security action plan shall also provide that, in addition to any  
22 other tasks the commissioner may wish to assign the cyber security  
23 defense unit, that such cyber security defense unit shall also be  
24 assigned the mission of using and developing software, hardware, and  
25 protocols to prevent such unauthorized invasions, hacking and attacks,  
26 and to develop response activities, procedures, and protocols to address  
27 any such invasion, hacking or attack on any state computer network,  
28 system, database, and/or information storage. The cyber security action  
29 plan shall further detail how the cyber security defense unit should  
30 interact and deploy the use of other cyber experts, educators, law  
31 enforcement, intelligence experts, and other public and private sector  
32 entities to assist it in the performance of its mission.

33 3. Cyber incident response teams. The cyber security action plan  
34 established pursuant to subdivision one of this section shall further  
35 make recommendations to the governor and the legislature on the estab-  
36 lishment, within the office of cyber security, of a group of cyber inci-  
37 dent response teams. The cyber security action plan shall detail how the  
38 cyber incident response teams would consist of such persons as the  
39 commissioner deems necessary to perform its mission. The cyber security  
40 action plan shall further detail the mission of the cyber incident  
41 response teams, with such mission being to help prevent, respond to, and  
42 recover from, cyber attacks targeted against state entities, public  
43 authorities, local governments, and/or private sector businesses, not-  
44 for-profit corporations and individuals, together with such other and  
45 further duties and responsibilities as the cyber security action plan  
46 may additionally prescribe. The cyber security action plan shall  
47 further detail that the personnel of the cyber incident response teams  
48 must be expert in computer and programming technology so as to prevent  
49 and respond to an unauthorized invasion, hacking and attacks against  
50 computer networks, systems, databases, and information storage. The  
51 cyber security action plan shall additionally detail how the personnel  
52 of the cyber incident response teams must have background and experience  
53 in computer, system and network operations and vulnerabilities, program-  
54 ming code, data recovery and cyber security. The cyber security action  
55 plan shall also provide, in addition to any other tasks the commissioner  
56 may wish to assign the cyber incident response teams, that such cyber

1 incident response teams shall also be assigned the mission of using and  
2 developing software, hardware, and protocols to prevent such unauthor-  
3 ized invasions, hacking and attacks, and to develop response activities,  
4 procedures, and protocols to address any such invasion, hacking or  
5 attack on any state computer network, system, database, and/or informa-  
6 tion storage. The cyber security action plan shall also provide that it  
7 would further be the mission of each cyber incident response team to  
8 respond to, and help the targeted entity to recover from, cyber inva-  
9 sion, hacking and attacks. The cyber security action plan shall also  
10 provide that within resources available, the commissioner may deploy a  
11 cyber incident response team to a state entity, public authority, local  
12 government, private sector business, or not-for-profit corporation that  
13 has experienced a cyber attack, to promote and assist in such entity's  
14 response and recovery efforts. The cyber security action plan shall  
15 further detail how the cyber incident response team should interact and  
16 deploy the use of other cyber experts, educators, law enforcement,  
17 intelligence experts, and other public and private sector entities to  
18 assist them in the performance of their mission.

19 4. Cyber education and attack prevention. The cyber security action  
20 plan established pursuant to subdivision one of this section shall  
21 further make recommendations to the governor and the legislature on the  
22 establishment, within the office of cyber security, of a cyber education  
23 and attack prevention unit to assist state agencies, public authorities,  
24 local governments, and/or private sector businesses, not-for-profit  
25 corporations and individuals. The cyber security action plan shall  
26 detail how the cyber education and attack prevention unit would consist  
27 of such persons as the commissioner deems necessary to perform its  
28 mission. The cyber security action plan shall further detail the mission  
29 of the cyber education and attack prevention unit, with such mission  
30 being to help educate state agencies, public authorities, local govern-  
31 ments, and/or private sector businesses, not-for-profit corporations and  
32 individuals on how to prevent and respond to a cyber attack, together  
33 with such other and further duties and responsibilities as the cyber  
34 security action plan may additionally prescribe. The cyber security  
35 action plan shall further detail that the commissioner may deploy within  
36 resources available the cyber education and attack prevention unit to  
37 state agencies, public authorities, local governments, private sector  
38 businesses, and/or not-for-profit corporations, to educate and/or  
39 instruct such entities, hold informational programs, and/or provide  
40 instructional or informational materials. The cyber security action plan  
41 shall further detail how the cyber education and attack prevention unit  
42 should interact and deploy the use of other cyber experts, educators,  
43 law enforcement, intelligence experts, and other public and private  
44 sector entities to assist it in the performance of its mission.

45 5. Reporting of cyber entities. The cyber security action plan estab-  
46 lished pursuant to subdivision one of this section shall further make  
47 recommendations on the reporting of the new state office of cyber secu-  
48 rity. The cyber security action plan shall further require that such  
49 reporting should contain a requirement that on or before December first,  
50 two thousand nineteen, and then every year thereafter, that the commis-  
51 sioner shall submit a report to the governor, the speaker of the assem-  
52 bly, the temporary president of the senate, the chair of the senate  
53 standing committee on veterans, homeland security and military affairs,  
54 and the chair of the assembly standing committee on governmental oper-  
55 ations, which provides a comprehensive review detailing all the activ-  
56 ities and operations of the office of cyber security, the cyber security

1 defense unit, the cyber incident response teams and the cyber education  
2 and attack prevention unit, during the past year. The cyber security  
3 action plan shall further provide that where compliance with such a  
4 report would require the disclosure of confidential information, or the  
5 disclosure of sensitive information which in the judgement of the  
6 commissioner would jeopardize the cyber security of the state, then such  
7 confidential or sensitive information shall be provided to the persons  
8 entitled to receive the report, in the form of a supplemental appendix  
9 to the report, and that such supplemental appendix to the report, shall  
10 not be subject to the provisions of the freedom of information law  
11 pursuant to article six of the public officers law, and although the  
12 persons entitled to receive the report may disclose the supplemental  
13 appendix to the report to their professional staff, they shall not  
14 otherwise publicly disclose such confidential or secure information. The  
15 cyber security action plan shall further provide that, except with the  
16 respect to any confidential or sensitive information contained in the  
17 supplemental appendix to the report, the commissioner shall direct that  
18 a copy of the report shall be posted on the division's website, not more  
19 than fifteen days after such report is delivered to the persons entitled  
20 to receive such report. The cyber security action plan should further  
21 provide that the division may further post any and all additional infor-  
22 mation it may deem appropriate, on its website, regarding cyber securi-  
23 ty, and the protection of public and private computer systems, networks,  
24 hardware and software.

25 6. Reimbursement for cost of service. The cyber security action plan  
26 established pursuant to subdivision one of this section shall further  
27 make recommendations with respect to the division charging non-govern-  
28 mental entities for the reasonable cost of the services provided by the  
29 cyber security incident response teams and the cyber education and  
30 attack prevention unit. The cyber security action plan shall further  
31 detail how the proceeds from the charging for such costs shall be depos-  
32 ited with the state comptroller into a cyber security support services  
33 account, of which the comptroller would have custody. The cyber security  
34 action plan shall additionally detail how the comptroller may disburse  
35 monies held in such cyber security account for the purposes of providing  
36 supplemental funds for the operation of the new state office of cyber  
37 security.

38 7. Timing of cyber security action plan. The commissioner, on or  
39 before December first, two thousand eighteen, shall deliver a copy of  
40 the cyber security action plan required to be produced by this section,  
41 to the the governor, the speaker of the assembly, the temporary presi-  
42 dent of the senate, the chair of the senate standing committee on veter-  
43 ans, homeland security and military affairs, and the chair of the assem-  
44 bly standing committee on governmental operations.

45 § 2. This act shall take effect immediately.