STATE OF NEW YORK

3451--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. DenDEKKER -- 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 report

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

§ 719. Quinquennial cyber security report. 1. The commissioner, in consultation with the superintendent of the state police, the chief information officer, and the president of the center for internet security, shall prepare a report, to be delivered to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee on governmental operations, on or before the first day of September, two thousand eighteen, and then every five years thereafter, which provides a comprehensive review of all cyber security services performed by, and on behalf of, the state of New York.

2. The report required pursuant to subdivision one of this section, shall include a detailed assessment of each and every cyber security need of the state of New York, including but not limited to, its state agencies and its public authorities, and for each and every such cyber security need so identified, shall further include a detailed description of:

(a) the type of cyber security service used to address such need;

(b) the scope of the need so addressed, as well as the scope of the service used to address such need;

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

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(c) the cost of the service used to address such need;
(d) the effectiveness of the cyber security service used to address such need;
(e) the entity providing such cyber security service used to address such need;
(f) the government, industry and/or academically accepted best cyber security practice for addressing such need;
(g) how other states, and the federal government have addressed such need; and
(h) how private sector entities addressed such need.
3. During the preparation of the report required by subdivision one of this section, and after its delivery to the persons identified to receive such report, the commissioner, the superintendent of the state police, the chief information officer, and the president of the center for internet security, as well as the divisions, offices and corporations under their direction, shall provide to such persons entitled to receive such report, any and all additional information such persons may request, with respect to any cyber security issue concerning:
(a) the state of New York, including but not limited to, any agency, board, bureau, commission, department, division, institution, office, or public authority of the state;
(b) any local government entity, including but not limited to, any county, town, city, village, school district, special district, and any agency, board, bureau, commission, department, division, institution, office, or public authority of such local government entity;
(c) any regulated entity of the state of New York or local government entity;
(d) any not-for-profit corporation in the state of New York;
(e) any private sector business in the state of New York, including but not limited to, a sole proprietor, partnership, limited liability company or business corporation; and/or
(f) any citizen of the state of New York.
4. Where compliance with this section shall require the disclosure of confidential information, or the disclosure of sensitive information which in the judgment of the commissioner would jeopardize the cyber security of the state:
(a) such confidential or sensitive information shall be provided to the persons entitled to receive the report as provided by subdivision one of this section, as follows:
(i) In the case of the report required by subdivision one of this section, in the form of a supplemental appendix to the report; and
(ii) In the case of a response to a request for information made in accordance with subdivision three of this section, in a secure manner as determined by the commissioner;
(b) neither a supplemental appendix to the report, nor any confidential or sensitive information provided in accordance with subdivision three of this section, shall be posted on the division's website as required by subdivision five of this section;
(c) neither a supplemental appendix to the report, nor any confidential or sensitive information provided in accordance with subdivision three of this section, shall be subject to the provisions of the freedom of information law pursuant to article six of the public officers law; and
(d) the persons entitled to receive the report as provided by subdivision one of this section, may disclose the supplemental appendix to the report, and any confidential or sensitive information provided in

accordance with subdivision three of this section, to their professional staff, but shall not otherwise publicly disclose such confidential or secure information.

5. Except with respect to any confidential or sensitive information as described in subdivision four of this section, the division shall post a copy of the report prepared in accordance with subdivision one of this section, on its website, not more than fifteen days after such report is delivered to the persons entitled to receive such report. The division may further post any and all further information it may deem appropriate, on its website, regarding cyber security, and the protection of public and private computer systems, networks, hardware and software.

§ 2. This act shall take effect immediately.