

STATE OF NEW YORK

7672--A

Cal. No. 712

2025-2026 Regular Sessions

IN SENATE

April 28, 2025

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the executive law, in relation to requiring municipal cybersecurity incident reporting and exempting such reports from freedom of information requirements; and to amend the state technology law, in relation to requiring cybersecurity awareness training for government employees, data protection standards, and cybersecurity protection

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

1 Section 1. The general municipal law is amended by adding a new article 19-C to read as follows:

ARTICLE 19-C

CYBERSECURITY INCIDENT REPORTING REQUIREMENTS FOR MUNICIPAL CORPORATIONS AND PUBLIC AUTHORITIES

Section 995-a. Definitions.

995-b. Reporting of cybersecurity incidents.

995-c. Notice and explanation of ransom payment.

9 § 995-a. Definitions. For the purposes of this article: 1. "Cybersecurity incident" means an event occurring on or conducted through a
10 computer network that actually or imminently jeopardizes the integrity,
11 confidentiality, or availability of computers, information or communi-
12 cations systems or networks, physical or virtual infrastructure
13 controlled by computers or information systems, or information resident
14 thereon.

15 2. "Cyber threat" means any circumstance or event with the potential
16 to adversely impact organizational operations, organizational assets, or
17 individuals through an information system via unauthorized access,
18

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

LBD10937-06-5

1 destruction, disclosure, modification of information, and/or denial of
2 service.

3 3. "Cyber threat indicator" means information that is necessary to
4 describe or identify:

5 (a) malicious reconnaissance, including anomalous patterns of communi-
6 cations that appear to be transmitted for the purpose of gathering tech-
7 nical information related to a cybersecurity threat or security vulner-
8 ability;

9 (b) a method of defeating a security control or exploitation of a
10 security vulnerability;

11 (c) a security vulnerability, including anomalous activity that
12 appears to indicate the existence of a security vulnerability;

13 (d) a method of causing a user with legitimate access to an informa-
14 tion system or information that is stored on, processed by, or transit-
15 ing an information system to unwittingly enable the defeat of a security
16 control or exploitation of a security vulnerability;

17 (e) malicious cyber command and control;

18 (f) the actual or potential harm caused by an incident, including a
19 description of the information exfiltrated as a result of a particular
20 cybersecurity threat;

21 (g) any other attribute of a cybersecurity threat, if disclosure of
22 such attribute is not otherwise prohibited by law; or

23 (h) any combination thereof.

24 4. "Defensive measure" means an action, device, procedure, signature,
25 technique, or other measure applied to an information system or informa-
26 tion that is stored on, processed by, or transiting an information
27 system that detects, prevents, or mitigates a known or suspected
28 cybersecurity threat or security vulnerability. The term "defensive
29 measure" does not include a measure that destroys, renders unusable,
30 provides unauthorized access to, or substantially harms an information
31 system or information stored on, processed by, or transiting such infor-
32 mation system not owned by the municipal corporation or public authority
33 operating the measure, or federal entity that is authorized to provide
34 consent and has provided consent to that municipal corporation or public
35 authority for operation of such measure.

36 5. "Information system" means a discrete set of information resources
37 organized for the collection, processing, maintenance, use, sharing,
38 dissemination, or disposition of information.

39 6. "Municipal corporation" means:

40 (a) A municipal corporation as defined in section one hundred nine-
41 teen-n of this chapter; or

42 (b) A district as defined in section one hundred nineteen-n of this
43 chapter.

44 7. "Public authority" means any state authority or local authority, as
45 such terms are defined in section two of the public authorities law, or
46 any subsidiary thereof.

47 8. "Ransom payment" means the transmission of any money or other prop-
48 erty or asset, including virtual currency, or any portion thereof, which
49 has at any time been delivered as ransom in connection with a ransomware
50 attack.

51 9. "Ransomware attack":

52 (a) means an incident that includes the use or threat of use of unau-
53 thorized or malicious code on an information system, or the use or
54 threat of use of another digital mechanism such as a denial of service
55 attack, to interrupt or disrupt the operations of an information system
56 or compromise the confidentiality, availability, or integrity of elec-

1 tronic data stored on, processed by, or transiting an information system
2 to extort a demand for a ransom payment; and

3 (b) does not include any such event in which the demand for payment
4 is:

5 (i) not genuine; or

6 (ii) made in good faith by an entity in response to a specific request
7 by the owner or operator of the information system.

8 § 995-b. Reporting of cybersecurity incidents. 1. Notwithstanding any
9 other provision of law to the contrary, all municipal corporations and
10 public authorities shall report cybersecurity incidents and when appli-
11 cable, the demand of a ransom payment, to the commissioner of the divi-
12 sion of homeland security and emergency services in the form and method
13 prescribed by such commissioner. Such report shall include whether the
14 reporting municipal corporation or public authority is requesting or
15 declining advice and/or technical assistance from the division of home-
16 land security and emergency services with respect to the reported
17 cybersecurity incident or demand for a ransom payment.

18 2. All municipal corporations and public authorities shall report
19 cybersecurity incidents, including demands for ransom payment, no later
20 than seventy-two hours after the municipal corporation or public author-
21 ity reasonably believes the cybersecurity incident has occurred.

22 3. Any cybersecurity incident report and any records related to a
23 ransom payment submitted to the commissioner of the division of homeland
24 security and emergency services pursuant to the requirements of this
25 article shall be exempt from disclosure under article six of the public
26 officers law.

27 § 995-c. Notice and explanation of ransom payment. Notwithstanding any
28 other provision of law to the contrary, each municipal corporation or
29 public authority shall, in the event of a ransom payment made in
30 connection with a cybersecurity incident involving the municipal corpo-
31 ration or public authority, provide the commissioner of the division of
32 homeland security and emergency services through means prescribed by
33 such commissioner with the following:

34 1. within twenty-four hours of the ransom payment, notice of the
35 payment; and

36 2. within thirty days of the ransom payment, a written description of
37 the reasons payment was necessary, the amount of the ransom payment, the
38 means by which the ransom payment was made, a description of alterna-
39 tives to payment considered, all diligence performed to find alterna-
40 tives to payment and all diligence performed to ensure compliance with
41 applicable state and federal rules and regulations including those of
42 the United States department of the treasury's office of foreign assets
43 control.

44 § 2. The executive law is amended by adding a new section 711-c to
45 read as follows:

46 § 711-c. Cybersecurity incident reviews. 1. Definitions. As used in
47 this section, the terms cybersecurity incident, cyber threat, cyber
48 threat indicator, defensive measure, information system, municipal
49 corporation, public authority, ransom payment and ransomware attack
50 shall have the same meaning as such terms are defined in article nine-
51 teen-C of the general municipal law.

52 2. The commissioner, or their designees, shall review each cybersecur-
53 ity incident report and notice and explanation of ransom payment submit-
54 ted pursuant to sections nine hundred ninety-five-b and nine hundred
55 ninety-five-c of the general municipal law to assess potential impacts

1 of cybersecurity incidents and ransom payments on the health, safety,
2 welfare or security of the state, or its residents.

3 3. The commissioner, or their designees, may work with appropriate
4 state agencies, federal law enforcement, and federal homeland security
5 agencies to provide municipal corporations and public authorities with
6 reports of cybersecurity incidents and trends, including but not limited
7 to, to the maximum extent practicable, related contextual information,
8 cyber threat indicators, and defensive measures. The commissioner may
9 coordinate and share such reported information with municipal corpo-
10 rations, public authorities, state agencies, and federal law enforcement
11 and homeland security agencies to respond to and mitigate cybersecurity
12 threats.

13 4. Such reports, assessments, records, reviews, documents, recommenda-
14 tions, guidance and any information contained or used in its preparation
15 shall be exempt from disclosure under article six of the public officers
16 law.

17 5. No later than forty-eight hours after receiving a cybersecurity
18 incident report containing a request for advice and/or technical assist-
19 ance from the division pursuant to subdivision one of section nine
20 hundred ninety-five-b of the general municipal law, the commissioner or
21 the commissioner's designees shall acknowledge receipt of such request.
22 As soon as possible after receiving such a request, the commissioner or
23 the commissioner's designees, subject to the commissioner's discretion
24 in prioritizing the division's response to the municipal corporation's
25 or public authority's cybersecurity incident report, shall provide
26 advice to the requesting municipal corporation or public authority and,
27 to the extent practicable, provide technical assistance.

28 § 3. The state technology law is amended by adding a new section 103-f
29 to read as follows:

30 § 103-f. Cybersecurity awareness training. 1. (a) Employees of the
31 state who use technology as a part of their official job duties shall
32 take annual cybersecurity awareness training beginning January first,
33 two thousand twenty-six. Employees of the state shall be required to
34 complete the training provided by the office.

35 (b) For purposes of this section, "employees of the state" shall
36 include employees of all state agencies and all public benefit corpo-
37 rations, the heads of which are appointed by the governor.

38 2. Employees of a county, a city, a town, a village, or a district as
39 defined in section one hundred nineteen-n of the general municipal law,
40 who use technology as a part of their official job duties shall take
41 annual cybersecurity awareness training beginning January first, two
42 thousand twenty-six. The office shall make a cybersecurity training
43 available for use by a county, a city, a town, a village, or a district
44 as defined in section one hundred nineteen-n of the general municipal
45 law, at no charge, provided however, no employee of a county, a city, a
46 town, a village, or a district as defined in section one hundred nine-
47 teen-n of the general municipal law shall be required to complete such
48 training provided by the office and the cybersecurity awareness training
49 requirements of this section may be satisfied by the completion of other
50 cybersecurity awareness training.

51 3. All training mandated by this section shall be conducted during the
52 employee's regular working hours and employees shall receive compen-
53 sation at their regular rate of pay for any time spent participating in
54 such training.

55 § 4. The state technology law is amended by adding a new section 210
56 to read as follows:

1 § 210. Cybersecurity protection. 1. Definitions. For purposes of this
2 section, the following terms shall have the following meanings:

3 (a) "Breach of the security of the system" shall have the same meaning
4 as such term is defined in section two hundred eight of this article.

5 (b) "Data subject" means any natural person about whom personal infor-
6 mation has been collected by a state agency.

7 (c) "Information system" means a discrete set of information resources
8 organized for the collection, processing, maintenance, use, sharing,
9 dissemination, or disposition of information.

10 (d) "State agency-maintained personal information" means personal
11 information stored by a state agency that was generated by a state agen-
12 cy or provided to the state agency by the data subject, a state agency,
13 a federal governmental entity, or any other third-party source. Such
14 term shall also include personal information provided by an adverse
15 party in the course of litigation or other adversarial proceeding.

16 (e) "State agency" shall have the same meaning as such term is defined
17 in section one hundred one of this chapter.

18 2. Data protection standards. The director shall issue policies and
19 standards for:

20 (a) protection against breaches of the security of the information
21 systems and for personal information used by such information systems;

22 (b) data backup;

23 (c) information system recovery;

24 (d) secure sanitization and deletion of data;

25 (e) vulnerability management and assessment; and

26 (f) annual workforce training regarding protection against breaches of
27 the security of the system, as well as processes and procedures that
28 should be followed in the event of a breach of the security of the
29 system.

30 3. Information system inventory. (a) No later than two years after the
31 effective date of this section, each state agency shall create, then
32 maintain, an inventory of its information systems.

33 (b) Upon written request from the office, a state agency shall provide
34 the office with the state agency-maintained information systems invento-
35 ries required to be created or updated pursuant to this subdivision.

36 (c) Notwithstanding paragraph (a) of this subdivision, the state agen-
37 cy-maintained information systems inventories required to be created or
38 updated pursuant to this subdivision shall be kept confidential, as
39 disclosure of such information would jeopardize the security of a state
40 agency's information systems and information technology assets and,
41 further, shall not be made available for disclosure or inspection under
42 the state freedom of information law.

43 4. Incident management and recovery. (a) No later than eighteen months
44 after the effective date of this section, each state agency shall have
45 created an incident response plan for incidents involving a breach of
46 the security of the system that render an information system or its data
47 unavailable, and incidents involving a breach of the security of the
48 system that result in the alteration or deletion of or unauthorized
49 access to, personal information.

50 (b) Such incident response plan shall include, but not be limited to,
51 a procedure for situations where information systems have been adversely
52 affected by a breach of the security of the system, as well as a proce-
53 dure for the recovery of personal information and information systems.

54 (c) Beginning January first, two thousand twenty-eight and on an annu-
55 al basis thereafter, each state agency shall complete at least one exer-
56 cise of its incident response plan. Upon completion of such exercise,

1 the state agency shall document the incident response plan's successes
2 and shortcomings in an incident response plan exercise report. The inci-
3 dent response plan and any incident response plan exercise reports shall
4 be kept confidential, as disclosure of such information would jeopardize
5 the security of a state agency's information systems and information
6 technology assets, and, further, shall not be made available for disclo-
7 sure or inspection under the state freedom of information law.

8 5. No private right of action. Nothing set forth in this section shall
9 be construed as creating or establishing a private cause of action.

10 § 5. Severability. The provisions of this act shall be severable and
11 if any portion thereof or the applicability thereof to any person or
12 circumstances shall be held to be invalid, the remainder of this act and
13 the application thereof shall not be affected thereby.

14 § 6. This act shall take effect immediately; provided, however, that
15 sections one and two of this act shall take effect on the thirtieth day
16 after such effective date.