

SUBJECT: Excepting from public disclosure certain computer security information

COMMITTEE: Government Transparency and Operation — committee substitute recommended

VOTE: 7 ayes — Elkins, Capriglione, Gonzales, Lucio, Shaheen, Tinderholt, Uresti

0 nays

WITNESSES: For — Troy Alexander, Texas Medical Association; (*Registered, but did not testify*: Jeff Bonham, CenterPoint Energy, Inc.; TJ Patterson, City of Fort Worth; Jesse Ozuna, City of Houston Mayor's Office; Justin Yancy, Texas Business Leadership Council; John Dahill, Texas Conference of Urban Counties; Nora Belcher, Texas e-Health Alliance; Zindia Thomas, Texas Municipal League)

Against — None

On — (*Registered, but did not testify*: Kelley Shannon, Freedom of Information Foundation of Texas; Claudia Escobar, Office of the Attorney General)

BACKGROUND: Government Code, sec. 552.139 excepts from disclosure under public information laws information that relates to computer network security, restricted network information, or to the design, operation, or defense of a computer network.

Sec. 2261.253 requires each state agency to post on its website every contract the agency enters into with a private vendor for the purchase of goods or services.

Business and Commerce Code, sec. 521.053 defines a breach of system security as the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person. An entity is required to

disclose as soon as possible to the owner of sensitive personal information if it was, or is believed to have been, acquired by an unauthorized person.

DIGEST:

CSHB 1861 would make information from a governmental body's routine efforts to prevent, detect, or investigate a computer security incident, including information contained in or derived from an information security log, confidential for the purposes of public information laws.

A state agency would be required to redact information made confidential by or exempted from required public disclosure under Government Code, sec. 552.139 from a contract posted on the agency's website. The availability of the redacted information would be governed by existing public information laws. Under the bill, sensitive personal information related to a breach of system security would not be considered confidential information.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS  
SAY:

CSHB 1861 would expand the definition of protected information not subject to disclosure under public information laws, reassert that the public maintains the right to know when a security breach has occurred, and clarify that information related to computer security that is made confidential by law and excepted from required public disclosure must be redacted from the public posting of governmental body contracts.

Although current law exempts from public disclosure information related to computer network security, it is unclear whether security incident alert logs are covered. These logs are stored to troubleshoot operational issues and assist in assessing and discovering security incidents. They may contain information that could be used to identify weaknesses in computer systems or personally identifiable information. Currently, in response to a request for information, government personnel often have to go through thousands of pages to redact sensitive information, expending resources and making it difficult to respond in a timely manner. Further, there is

limited public use for this information, and it could provide an advantage to a hacker or criminal. By excluding these logs and reports from release, the bill would ensure that sensitive information remained protected.

The bill would not create a new exception under public information laws but rather clarify that information already deemed confidential is exempted from disclosure. Additionally, the bill would not affect disclosure of information in the event of a breach of system security, reaffirming that the public has a right to know when an incident occurs.

**OPPONENTS  
SAY:**

Although CSHB 1861 would protect the privacy of individuals, it is important that any legislation that would protect information from public disclosure is not so sweeping that it keeps too much information off limits from the public.