
 DIGEST

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SB 273 Reengrossed

2020 Regular Session

Hewitt

Proposed law creates a registration for managed service providers doing business in this state with a public body, provide access for public bodies to obtain information on managed service providers, and require managed service providers to report cyber incidents and the payment of cyber ransom or ransomware.

Proposed law defines "cyber incident", "cyber ransom or ransomware", "Louisiana Fusion Center", "managed service provider", "managed security service provider", "managed security service", and "public body".

Proposed law prohibits a provider from providing managed security services to a public body in this state unless the provider has registered with the secretary of state and remains in good standing.

Proposed law provides for an application process for providers that manage a public body's information technology infrastructure, security, or end-user systems.

Proposed law requires providers with actual knowledge of any cyber incident impacting a public body to notify the La. Fusion center within 24 hours of discovery.

Proposed law requires providers to report any payment of cyber ransom or ransomware involving a public body by the provider or public body within 10 calendar days of the payment of the ransom to the La. Fusion Center.

Present law provides exceptions to the public records law.

Proposed law retains present law and provides that reports of cyber incidents or the payment of cyber ransom or ransomware involving a public body shall not be public record. Further provides that any information that constitutes critical infrastructure information as defined in federal law, 6 U.S.C. 671, whether the information has been shared with any federal governmental agency, shall not be public record.

Proposed law prohibits a public body in this state from entering into a contract with a managed service provider or managed security service provider that has not registered with the secretary of state or has failed to renew its registration with the secretary of state and provides that such a contract is null and void.

Proposed law authorizes the secretary of state to adopt rules and regulations to implement proposed law.

Authority of the secretary of state to adopt rules effective August 1, 2020. The remaining provisions of proposed law effective February 1, 2021.

(Adds R.S. 44:4.1(D) and R.S. 51:2111-2116)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Adds and defines the term "managed security service provider".

Senate Floor Amendments to engrossed bill

1. Provides an exception to the disclosure requirement of the Public Records Law for any writings, records, or reports of cyber incidents or payment of cyber ransoms submitted to the commission for 60 days from the date of submission.
2. Specifies that the reporting of a cyber incident which impacts a public body and in which the payment of cyber ransom or ransomware is made is required if the provider or the public body made the payment.
3. Removes an exception to the disclosure requirement of the Public Records Law for any report of a cyber incident or the payment of cyber ransom or ransomware involving a public body.
4. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Change from the Louisiana Cybersecurity Commission to the Louisiana Fusion Center the agency that should receive notification of cyber incidents.
2. Create an additional exception to the Public Records Law to except information that constitutes critical infrastructure information as defined in federal law regardless of whether the information has been shared with any federal governmental agency.
3. Change the definition of "cyber incident".
4. Exclude from the definition of "managed service provider" any entity providing communications services subject to regulation or oversight by the La. Public Service Commission or the Federal Communications Commission.
5. Clarify the definition of "managed security service provider".
6. Add the definition of "managed security service".
7. Clarify that a provider shall not provide managed security services to a public body unless that provider is registered with the secretary of state.
8. Require that notification be given to the La. Fusion Center, within 24 hours, of actual knowledge of a cyber incident impacting a public body.
9. Require that it be reported to the La. Fusion Center, within 10 calendar days, if a provider or public body makes a payment of cyber ransom or ransomware.
10. Clarify that a public body is prohibited from entering into a contract for managed security services with a provider that is not registered with the secretary of state.