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SENATE BILL NO. 50  
INTRODUCED BY D. BARTEL  
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATE AGENCIES AND THIRD PARTIES TO REPORT SECURITY INCIDENTS; DEFINING "CHIEF INFORMATION SECURITY OFFICER" AND "SECURITY INCIDENT"; AND AMENDING SECTIONS 2-6-1501, 2-6-1502, AND 2-6-1503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Immediate notification.** On discovery or notification of a security incident, a state agency shall provide immediate notification without unreasonable delay to the chief information security officer.

**Section 2.** Section 2-6-1501, MCA, is amended to read:

**"2-6-1501. Definitions.** As used in this part, the following definitions apply:

(1) "Breach of the security of a data system" or "breach" means the unauthorized acquisition of computerized data that:

(a) materially compromises the security, confidentiality, or integrity of the personal information maintained by a state agency or by a third party on behalf of a state agency; and

(b) causes or is reasonably believed to cause loss or injury to a person.

(2) "Chief information security officer" means an employee at the department of administration designated by the chief information officer who is responsible for protecting the state's information assets and citizens' data by:

(a) advising and overseeing information security strategy and programs for executive branch state agencies without elected officials; and

(b) advising and consulting information security strategy and programs for executive branch state

**Amendment - 1st Reading/2nd House-blue - Requested by: Tyson Running Wolf - (H) State Administration**

68th Legislature

Drafter: Rebecca Power,

SB0050.002.002

1 recover from the third party its reasonable costs for providing the notice.

2 (3) The notification required by this section may be delayed if a law enforcement agency  
3 determines that the notification will impede a criminal investigation and requests a delay of notification. The  
4 notification required by this section must be made after the law enforcement agency determines that the  
5 notification will not compromise the investigation.

6 (4) All state agencies and third parties to whom personal information is disclosed by a state  
7 agency shall develop and maintain:

8 (a) an information security policy designed to safeguard personal information; and

9 (b) breach notification procedures that provide reasonable notice to individuals as provided in  
10 subsections (1) and (2).

11 (5) A state agency or third party that is required to issue a notification to an individual pursuant to  
12 this section shall simultaneously submit to the state's chief information security officer at the department of  
13 administration and to the attorney general's consumer protection office an electronic copy of the notification and  
14 a statement providing the date and method of distribution of the notification. The electronic copy and statement  
15 of notification must exclude any information that identifies the person who is entitled to receive notification. If  
16 notification is made to more than one person, a single copy of the notification that includes the number of  
17 people who were notified must be submitted to the chief information officer and the consumer protection office."

18  
19 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a  
20 copy of [this act] to each federally recognized tribal government in Montana.

21  
22 **NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an  
23 integral part of Title 2, chapter 6, part 15, and the provisions of Title 2, chapter 6, part 15, apply to [section 1].

24 - END -