

By: Smith of Tarrant

H.B. No. 526

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reports on the vulnerability of local government
3 computer systems and electronic data to harm or unauthorized
4 access.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 205, Local Government Code, is amended
7 by adding Section 205.010 to read as follows:

8 Sec. 205.010. VULNERABILITY REPORTS. (a) In this section,
9 a term defined by Section 33.01, Penal Code, has the meaning
10 assigned by that section.

11 (b) A records management officer for a local government may
12 prepare or have prepared a report assessing the extent to which a
13 computer, a computer program, a computer network, a computer
14 system, computer software, or data processing of the local
15 government or of a contractor of the local government is vulnerable
16 to harm or unauthorized access, including the extent to which the
17 local government's or contractor's electronically stored
18 information is vulnerable to alteration, damage, or erasure.

19 (c) Except as provided by this section, a vulnerability
20 report and any information or communication prepared or maintained
21 for use in the preparation of a vulnerability report is
22 confidential and is not subject to disclosure under Chapter 552,
23 Government Code.

24 (d) On request, the records management officer shall

1 provide a copy of the vulnerability report to:

2 (1) the governing body of the local government;

3 (2) the custodian of the local government's records;

4 (3) the director and librarian; and

5 (4) any other information technology security
6 oversight group specifically authorized by the legislature to
7 receive the report.

8 (e) A local government whose records management officer has
9 prepared or has had prepared a vulnerability report shall prepare a
10 summary of the report that does not contain any information the
11 release of which might compromise the security of the local
12 government's or local government contractor's computers, computer
13 programs, computer networks, computer systems, computer software,
14 data processing, or electronically stored information. The summary
15 is available to the public on request.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.