

By: McCall

H.B. No. 3187

A BILL TO BE ENTITLED

AN ACT

relating to information technology security practices of state agencies.

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

SECTION 1. Section 411.081(i), Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Youth Commission;
- (11) the Department of Assistive and Rehabilitative

1 Services;

2 (12) the Department of State Health Services, a local
3 mental health service, a local mental retardation authority, or a
4 community center providing services to persons with mental illness
5 or retardation;

6 (13) the Texas Private Security Board;

7 (14) a municipal or volunteer fire department;

8 (15) the Texas Board of Nursing;

9 (16) a safe house providing shelter to children in
10 harmful situations;

11 (17) a public or nonprofit hospital or hospital
12 district;

13 (18) the Texas Juvenile Probation Commission;

14 (19) the securities commissioner, the banking
15 commissioner, the savings and mortgage lending commissioner, or the
16 credit union commissioner;

17 (20) the Texas State Board of Public Accountancy;

18 (21) the Texas Department of Licensing and Regulation;

19 (22) the Health and Human Services Commission;

20 (23) the Department of Aging and Disability Services;

21 [~~and~~]

22 (24) the Texas Education Agency; and

23 (25) the Department of Information Resources.

24 SECTION 2. Subchapter F, Chapter 411, Government Code, is
25 amended by adding Section 411.14055 to read as follows:

26 Sec. 411.14055. ACCESS TO CRIMINAL HISTORY RECORD

27 INFORMATION: DEPARTMENT OF INFORMATION RESOURCES. (a) The

1 Department of Information Resources is entitled to obtain from the
2 department or another law enforcement agency the criminal history
3 record information maintained by the department or other law
4 enforcement agency that relates to a person who:

5 (1) is an employee or an applicant for employment with
6 the Department of Information Resources;

7 (2) may perform services for the Department of
8 Information Resources; or

9 (3) is an employee or subcontractor, or an applicant
10 to be an employee or subcontractor, of a contractor that provides
11 services to the Department of Information Resources.

12 (b) Criminal history record information obtained by the
13 Department of Information Resources under Subsection (a) may be
14 used only to evaluate:

15 (1) an employee or an applicant for employment with
16 the Department of Information Resources;

17 (2) a person who may perform services for the
18 Department of Information Resources; or

19 (3) a person who is an employee or subcontractor, or an
20 applicant to be an employee or subcontractor, of a contractor that
21 provides services to the Department of Information Resources.

22 (c) Criminal history record information obtained by the
23 Department of Information Resources under this section may not be
24 released or disclosed to any person or agency except on court order
25 or with the consent of the person who is the subject of the
26 information.

27 (d) The Department of Information Resources shall destroy

1 the criminal history record information obtained under this section
2 after the information is used for the purposes authorized by this
3 section.

4 SECTION 3. Subchapter D, Chapter 551, Government Code, is
5 amended by adding Section 551.089 to read as follows:

6 Sec. 551.089. DEPARTMENT OF INFORMATION RESOURCES. This
7 chapter does not require the governing board of the Department of
8 Information Resources to conduct an open meeting to deliberate:

9 (1) security assessments or deployments relating to
10 information resources technology;

11 (2) network security information as described by
12 Section 2059.055(b); or

13 (3) the deployment, or specific occasions for
14 implementation, of security personnel, critical infrastructure, or
15 security devices.

16 SECTION 4. Section 552.139, Government Code, is amended to
17 read as follows:

18 Sec. 552.139. EXCEPTION: GOVERNMENT INFORMATION RELATED TO
19 SECURITY OR INFRASTRUCTURE ISSUES FOR COMPUTERS. (a) Information
20 is excepted from the requirements of Section 552.021 if it is
21 information that relates to computer network security, to
22 restricted information under Section 2059.055, or to the design,
23 operation, or defense of a computer network.

24 (b) The following information is confidential:

25 (1) a computer network vulnerability report; and

26 (2) any other assessment of the extent to which data
27 processing operations, a computer, [~~or~~] a computer program,

1 network, system, or system interface, or software of a governmental
2 body or of a contractor of a governmental body is vulnerable to
3 unauthorized access or harm, including an assessment of the extent
4 to which the governmental body's or contractor's electronically
5 stored information containing sensitive or critical information is
6 vulnerable to alteration, damage, [~~er~~] erasure, or inappropriate
7 use.

8 (c) Notwithstanding the confidential nature of the
9 information described by this section, the information may be
10 disclosed to a bidder if the governmental body determines that
11 providing the information is necessary for the bidder to provide an
12 accurate bid. A disclosure under this subsection is not a voluntary
13 disclosure for purposes of Section 552.007.

14 SECTION 5. Sections 2054.077(b), (d), and (e), Government
15 Code, are amended to read as follows:

16 (b) In addition to any assessment required under other law,
17 the [~~The~~] information resources manager of a state agency may
18 prepare or have prepared a report, including an executive summary
19 of the findings of the report, assessing the extent to which a
20 computer, a computer program, a computer network, a computer
21 system, an interface to a computer system, computer software, or
22 data processing of the agency or of a contractor of the agency is
23 vulnerable to unauthorized access or harm, including the extent to
24 which the agency's or contractor's electronically stored
25 information containing sensitive or critical information is
26 vulnerable to alteration, damage, [~~er~~] erasure, or inappropriate
27 use.

1 (d) The [~~On request, the~~] information resources manager
2 shall provide an electronic [~~a~~] copy of the vulnerability report on
3 its completion to:

- 4 (1) the department;
- 5 (2) the state auditor; [~~and~~]
- 6 (3) the agency's executive director; and
- 7 (4) any other information technology security
8 oversight group specifically authorized by the legislature to
9 receive the report.

10 (e) Separate from the executive summary described by
11 Subsection (b), a [~~A~~] state agency whose information resources
12 manager has prepared or has had prepared a vulnerability report
13 shall prepare a summary of the report that does not contain any
14 information the release of which might compromise the security of
15 the state agency's or state agency contractor's computers, computer
16 programs, computer networks, computer systems, computer software,
17 data processing, or electronically stored information. The summary
18 is available to the public on request.

19 SECTION 6. This Act takes effect September 1, 2009.