88R24128 JCG-D

By:  Anderson H.B. No. 3289

Substitute the following for H.B. No. 3289:

By:  Smithee C.S.H.B. No. 3289

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of certain social media applications and services on devices owned or leased by state agencies.

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

SECTION 1.  Subtitle B, Title 6, Government Code, is amended by adding Chapter 674 to read as follows:

CHAPTER 674. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES ON STATE AGENCY DEVICES PROHIBITED

Sec. 674.001.  DEFINITIONS. In this chapter:

(1)  "Prohibited application" means:

(A)  a social media application or service included on the list published by the Department of Information Resources under Section 674.005; or

(B)  a social media application or service specified by executive order of the governor under Section 674.004.

(2)  "State agency" means:

(A)  a department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code; or

(B)  the supreme court, the court of criminal appeals, a court of appeals, or the Texas Judicial Council or another agency in the judicial branch of state government.

Sec. 674.002.  PROHIBITION; MODEL POLICY. (a) Subject to Section 674.003, a state agency shall adopt a policy prohibiting the installation or use of a prohibited application on any device owned or leased by the state agency and requiring the removal of prohibited applications from those devices.

(b)  The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for state agencies to use in developing the policy required by Subsection (a).

Sec. 674.003.  EXCEPTIONS; MITIGATING MEASURES. (a) A policy adopted under Section 674.002 may include an exception allowing the installation and use of a prohibited application to the extent necessary:

(1)  for providing law enforcement;

(2)  for developing or implementing information security measures; or

(3)  to allow other legitimate governmental uses as jointly determined by the Department of Information Resources and the Department of Public Safety.

(b)  A policy allowing the installation and use of a prohibited application under Subsection (a) must require:

(1)  the use of measures to mitigate risks to the security of state agency information during the use of the prohibited application; and

(2)  the documentation of those measures.

(c)  The administrative head of a state agency must approve in writing the installation and use of a prohibited application under an exception described by Subsection (a) by employees of the state agency and report the approval to the Department of Information Resources.

Sec. 674.004.  APPLICATIONS IDENTIFIED BY GOVERNOR'S ORDER. The governor by executive order may identify social media applications or services that pose a threat to the security of the state's sensitive information, critical infrastructure, or both.

Sec. 674.005.  APPLICATION IDENTIFIED BY DEPARTMENT OF INFORMATION RESOURCES AND DEPARTMENT OF PUBLIC SAFETY. (a) The Department of Information Resources and the Department of Public Safety, in consultation with the office of the governor, shall jointly identify social media applications or services that pose a threat to the security of the state's sensitive information, critical infrastructure, or both.

(b)  The Department of Information Resources shall publish annually and maintain on the department's publicly accessible Internet website a list of the prohibited applications identified under Subsection (a).

SECTION 2.  Not later than the 60th day after the date the Department of Information Resources and the Department of Public Safety make available the model policy required by Section 674.002(b), Government Code, as added by this Act, each state agency shall adopt the policy required by Section 674.002(a), Government Code, as added by this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.