88R6276 YDB-D

By:  Paxton S.B. No. 535

A BILL TO BE ENTITLED

AN ACT

relating to state agency information technology infrastructure and information security assessments.

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

SECTION 1.  The heading to Section 2054.068, Government Code, is amended to read as follows:

Sec. 2054.068.  STATE AGENCY INFORMATION TECHNOLOGY INFRASTRUCTURE: INFORMATION SECURITY RATING; AUDIT; REPORT.

SECTION 2.  Section 2054.068, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1), (c-2), (c-3), (c-4), (e-1), (e-2), and (e-3) to read as follows:

(b)  The department shall collect from each state agency information on the status and condition of the agency's information technology infrastructure, including [~~information regarding~~]:

(1)  information on the agency's information security program;

(2)  an inventory of the agency's servers, mainframes, cloud services, and other information technology equipment;

(3)  identification information for [~~of~~] vendors that operate and manage the agency's information technology infrastructure; [~~and~~]

(4)  the information security assessment required by Section 2054.515; and

(5)  any additional related information requested by the department.

(c)  A state agency shall provide the information required by Subsection (b) to the department not later than August 31 of each even-numbered year [~~according to a schedule determined by the department~~].

(c-1)  The department shall assign to each state agency that is not required to participate in a statewide technology center established under Subchapter L one of the following information security ratings based on the agency's information security risk profile:

(1)  above average;

(2)  average; or

(3)  below average.

(c-2)  In assigning an information security rating to a state agency under Subsection (c-1), the department shall consider:

(1)  the information the agency provides under Subsection (b);

(2)  the agency's comprehensive information security risk position relative to the agency's risk environment; and

(3)  any additional document or information the department requests from the agency.

(c-3)  The department:

(1)  shall develop options and make recommendations for improvements in the information security maturity of any state agency assigned an information security risk rating of below average under Subsection (c-1); and

(2)  may assist any state agency in determining whether additional security measures would increase the agency's information security maturity.

(c-4)  The department may audit the information security and technology of any state agency assigned an information security risk rating under Subsection (c-1) or contract with a vendor to perform the audit. The department shall make available on request by any person listed in Subsection (d) the results of an audit conducted under this subsection.

(d)  Not later than November 15 of each even-numbered year, the department shall submit to the governor, chair of the house appropriations committee, chair of the senate finance committee, speaker of the house of representatives, lieutenant governor, and staff of the Legislative Budget Board:

(1)  a consolidated report of the information submitted by state agencies under Subsection (b); and

(2)  any department recommendations relevant to and necessary for improving this state's information technology infrastructure and information security.

(e-1)  The department shall compile a summary of the consolidated report required under Subsection (d) and make the summary available to the public. The summary may not disclose any confidential information.

(e-2)  The consolidated report required under Subsection (d) and all information a state submits to substantiate or otherwise related to the report are confidential and not subject to disclosure under Chapter 552. The agency or department may redact or withhold information as confidential under Chapter 552 without requesting a decision from the attorney general under Subchapter G, Chapter 552.

(e-3)  Following review of the consolidated report, the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects established under Section 2054.578 may recommend that the legislature, through a concurrent resolution approved by a majority of the members of each house of the legislature, direct the department to select for participation in a statewide technology center established under Subchapter L any state agency assigned an information security rating under Subsection (c-1). The department shall notify each selected state agency of the agency's selection as required by Section 2054.385. The department is not required to conduct the cost and requirements analysis under Section 2054.384 for a state agency selected for participation under this subsection. This subsection expires September 1, 2027.

SECTION 3.  The heading to Section 2054.515, Government Code, is amended to read as follows:

Sec. 2054.515.  STATE AGENCY INFORMATION SECURITY ASSESSMENT [~~AND REPORT~~].

SECTION 4.  Sections 2054.515(a), (c), and (d), Government Code, are amended to read as follows:

(a)  At least once every two years, each state agency shall conduct an information security assessment of the agency's[~~:~~

[~~(1)~~]  information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities[~~; and~~

[~~(2)  data governance program with participation from the agency's data management officer, if applicable, and in accordance with requirements established by department rule~~].

(c)  Each state agency shall complete the information security assessment in consultation with the [~~The~~] department or the vendor the department selects and submit the assessment to the department in accordance with Section 2054.068(b) [~~by rule shall establish the requirements for the information security assessment and report required by this section~~].

(d)  All [~~The report and all~~] documentation related to the information security assessment is [~~and report are~~] confidential and not subject to disclosure under Chapter 552. The state agency or department may redact or withhold the information as confidential under Chapter 552 without requesting a decision from the attorney general under Subchapter G, Chapter 552.

SECTION 5.  The following provisions are repealed:

(1)  Section 2054.068(f), Government Code; and

(2)  Section 2054.515(b), Government Code, as amended by Chapters 567 (S.B. 475) and 856 (S.B. 800), Acts of the 87th Legislature, Regular Session, 2021.

SECTION 6.  This Act takes effect September 1, 2023.