

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

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

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

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

12 (1) above average;

13 (2) average; or

14 (3) below average.

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

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

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

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

23 (c-3) The department:

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

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

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

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

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

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

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

24 (e-2) The consolidated report required under Subsection (d)
25 and all information a state submits to substantiate or otherwise
26 related to the report are confidential and not subject to
27 disclosure under Chapter 552. The agency or department may redact

1 or withhold information as confidential under Chapter 552 without
 2 requesting a decision from the attorney general under Subchapter G,
 3 Chapter 552.

4 (e-3) Following review of the consolidated report, the
 5 Joint Oversight Committee on Investment in Information Technology
 6 Improvement and Modernization Projects established under Section
 7 2054.578 may recommend that the legislature, through a concurrent
 8 resolution approved by a majority of the members of each house of
 9 the legislature, direct the department to select for participation
 10 in a statewide technology center established under Subchapter L any
 11 state agency assigned an information security rating under
 12 Subsection (c-1). The department shall notify each selected state
 13 agency of the agency's selection as required by Section 2054.385.
 14 The department is not required to conduct the cost and requirements
 15 analysis under Section 2054.384 for a state agency selected for
 16 participation under this subsection. This subsection expires
 17 September 1, 2027.

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

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

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

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

26 [~~(1)~~] information resources systems, network systems,
 27 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.