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S.B. No. 2358

A BILL TO BE ENTITLED

AN ACT

relating to security procedures for digital applications that pose a network security risk to state agencies.

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

SECTION 1. Chapter 2054, Government Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. DIGITAL APPLICATION SECURITY PROCEDURES

Sec. 2054.621. DEFINITIONS. In this subchapter:

(1) "Digital application" means an Internet website or application that is open to the public, allows a user to create an account, and enables a user to communicate with other users by posting information, comments, messages, images, or video. The term does not include:

(A) an Internet service provider, as defined by Section 324.055, Business & Commerce Code;

(B) e-mail; or

(C) an online service, application, or Internet website:

(i) that consists primarily of news, sports, entertainment, or other content preselected by the provider that is not user generated; and

(ii) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on provision of the content described by Subparagraph

1 (i).

2 (2) "Network security" has the meaning assigned by
3 Section 2059.001.

4 (3) "User" means a person who posts, uploads,
5 transmits, shares, or otherwise publishes or receives content
6 through a digital application.

7 Sec. 2054.622. DIGITAL APPLICATION SECURITY RISK LIST. The
8 department shall:

9 (1) compile, maintain, and annually update a list of
10 digital applications that create a network security risk to state
11 agencies;

12 (2) limit or prohibit the placement and use of digital
13 applications on the list under Subdivision (1) on:

14 (A) state-owned cell phones, computers, and
15 other communication devices; and

16 (B) personal communication devices of state
17 agency employees that are used in the agency's office or other
18 workplace; and

19 (3) post the list under Subdivision (1) on a publicly
20 accessible web page on the department's Internet website.

21 Sec. 2054.623. DIGITAL APPLICATION SECURITY MODEL POLICY
22 FOR STATE AGENCIES. The department shall develop, maintain, and
23 periodically update a model policy for state agencies to use under
24 Section 2054.624 in limiting or prohibiting the placement and use
25 on communication devices of the digital applications included on
26 the list compiled under Section 2054.622.

27 Sec. 2054.624. STATE AGENCY DIGITAL APPLICATION SECURITY

1 POLICY. (a) Each state agency shall develop, implement, and
2 periodically update a policy limiting or prohibiting the placement
3 and use of digital applications included on the list compiled under
4 Section 2054.622 on:

5 (1) state-owned cell phones, computers, and other
6 communication devices; and

7 (2) personal communication devices of state agency
8 employees that are used in the agency's office or other workplace.

9 (b) Each state agency shall submit to the department a copy
10 of the policy required under Subsection (a) and updates to the
11 policy.

12 (c) The department:

13 (1) may offer recommendations for improvements to
14 submitted policies;

15 (2) shall retain each copy and update submitted under
16 Subsection (b); and

17 (3) shall notify each member of the legislature and
18 the governor when a state agency submits a policy or update.

19 Sec. 2054.625. DISCLOSURE EXEMPTION. The model policy and
20 state agency policies developed under this subchapter are exempt
21 from disclosure under Chapter 552.

22 Sec. 2054.626. RULEMAKING AUTHORITY. The department may
23 adopt rules to implement this subchapter.

24 SECTION 2. (a) As soon as practicable after the effective
25 date of this Act, but not later than January 1, 2024, the Department
26 of Information Resources shall develop the digital application
27 security risk list and model policy as required by Subchapter S,

1 Chapter 2054, Government Code, as added by this Act.

2 (b) A state agency is not required to comply with Section
3 2054.624, Government Code, as added by this Act, until May 1, 2024.

4 SECTION 3. This Act takes effect September 1, 2023.