Trends in State Cybersecurity Laws & Legislation

Cybersecurity Task Force Meeting
May 21, 2016

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National Conference of State Legislatures
Agenda

State Laws, Legislation and Trends

- Security breaches
- Data security
- Computer crime
Security Breach Laws and Legislation

Hackers gain entry to key state database / Personnel files were breached last month for 265,000 workers

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2015-16 Security Breach Enactments

- Report to AG
  IL, MT, OR, NE, ND
- Timeframe for notification
  CT, IL, RI, TN, WA
- Content in breach notices
  CA, WA, WY
- Expanding definition of PI
  CA, CT, IL, MT, OR, NE, NV, RI, WY
2015-16 Security Breach Enactments

Expansion of definition of personal information to include:

• Medical/health insurance data
  CA, CT, IL, MT, NV, RI, WY
• Biometric data
  IA, NE, IL, NC, OR, WI, WY
• Online account username, password
  CA, FL, IL, NE, NV, WY
2015-16 Breach Law “Firsts”

Connecticut (2015)
  • Provide free credit monitoring for one year

Washington (2015)
  • Exemption from notification if NIST cybersecurity framework is followed

Tennessee (2016)
  • Notification required even if information was encrypted.
Data Disposal Laws

Applies to both gov't. & business

Applies to business

No law

Paper only

Early Data Security Laws

Massachusetts (2005), Nevada (2005, 2010)
• Businesses must implement encryption to protect PI transmitted across public wireless networks.

Massachusetts (2005)
• Businesses must develop, maintain information security program.
2015-16 Data Security Enactments

- Security measures for business
  CT, RI
- Security measures for government
  FL, WY
- Cybersecurity funding/training/research
  CO, ID, MD, WA
- Task forces, commissions, studies
  CO, CT, GA, IN, MD, NC, ND, UT
2015-16 Data Security Law “Firsts”

Nevada (2016)
• Information sent re: online accounts must be encrypted

New Jersey (2015)
• Health insurers must encrypt PI they store electronically
Computer Crime Laws

**Computer crime** – unauth. access, malware, viruses
- All 50 states

**Spyware** – software surreptitiously collects data
- 20 states

**Phishing** – defrauding by posing as a trustworthy entity
- 23 states
2015-16 Computer Crime “Firsts”

**Florida** (2015) - civil remedies and redress for harm and loss for businesses

**Washington** (2016) - harsher penalties, new crimes: tampering, spoofing, denial of service attacks

**Wyoming** (2014) - ransomware
NCSL Web Resources

Security Breaches
Cybersecurity 2016 Legislation
Computer Crime Statutes
Data Disposal Statutes
Spyware Statutes
Phishing Statutes

Additional Information:
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