

BILL ANALYSIS

Senate Research Center

H.B. 249
By: Pitts (Shapiro)
State Affairs
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Engrossed

DIGEST AND PURPOSE

Under current law, the findings of a computer system vulnerability report conducted on or by a state agency may be required to be made accessible to the public, a practice that could compromise the safety of the state agency's electronically stored sensitive and confidential information. H.B. 249 provides that a vulnerability report is not subject to disclosure and requires a state agency whose manager has prepared a vulnerability report to prepare a summary of the report that excludes information that might compromise security to be made available to the public on request.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2054D, Government Code, is amended by adding Section 2054.077, as follows:

Sec. 2054.077. VULNERABILITY REPORTS. Provides that in this section, a term defined by Section 33.01, Penal Code, has the meaning assigned by that section. Authorizes the information resources manager of a state agency to prepare or have prepared a report assessing the extent to which a computer, a computer program, a computer network, a computer system, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure. Provides that except as provided by this section, a vulnerability report and any information or communication prepared or maintained for use in the preparation of a vulnerability report is confidential and is not subject to disclosure under Chapter 552. Requires the information resources manager, on request, to provide a copy of the vulnerability report to the Department of Information Resources, the state auditor, and any other information technology security oversight group specifically authorized by the legislature to receive the report. Requires a state agency whose information resources manager has prepared or has had prepared a vulnerability report to prepare a summary of the report that does not contain any information the release of which might compromise the security of the state agency's or state agency contractor's computers, computer programs, computer networks, computer systems, computer software, data processing, or electronically stored information. Provides that the summary is available to the public on request.

SECTION 2. Amends Section 2054.006(a), Government Code, to provide that except as specifically provided by this chapter, this chapter does not affect laws, rules, or decisions relating to the confidentiality or privileged status of categories of information or communications.

SECTION 3. Effective date: upon passage or September 1, 2001.