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NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Trends in State Cybersecurity Laws & Legislation

Cybersecurity Task Force Meeting

May 21, 2016

Pam Greenberg, CIPP/US

National Conference of State Legislatures



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Agenda

State Laws, Legislation and Trends

- **Security breaches**
- **Data security**
- **Computer crime**



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Security Breach Laws and Legislation

SFGATE NEWS SPORTS BUSINESS ENTERTAINMENT FOOD LIVING TRAVEL REAL ESTATE

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

Ryan Kim, Chronicle Staff Writer Published 4:00 am, Saturday, May 25, 2002

<http://www.sfgate.com/news/article/Hackers-gain-entry-to-key-state-database-2833196.php>



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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



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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



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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.



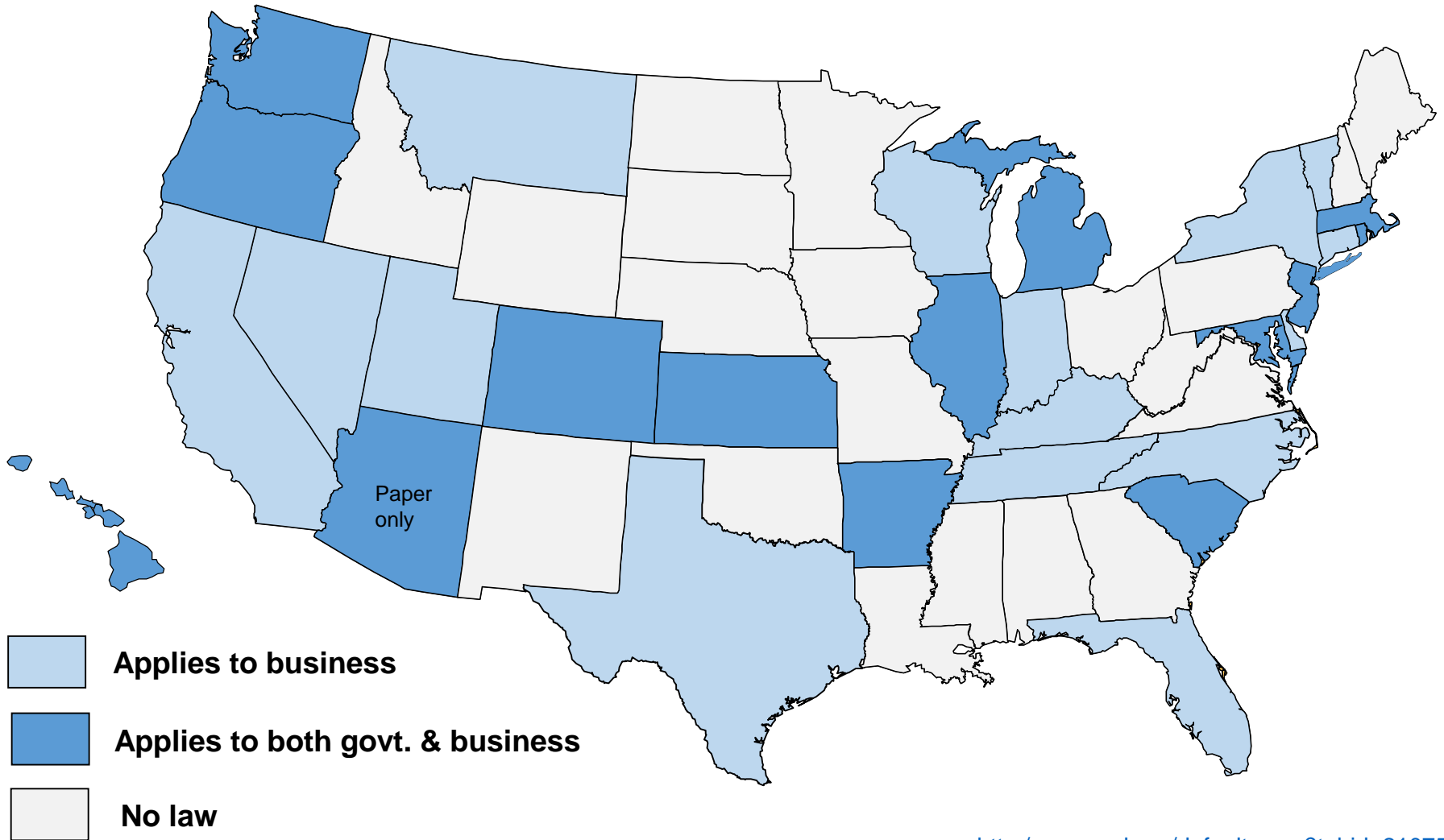
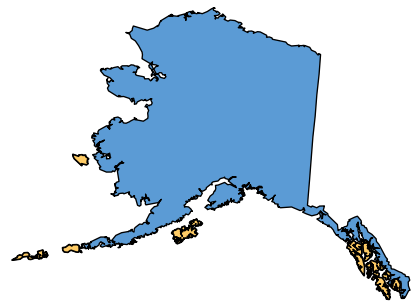
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Data Disposal Laws





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Early Data Security Laws

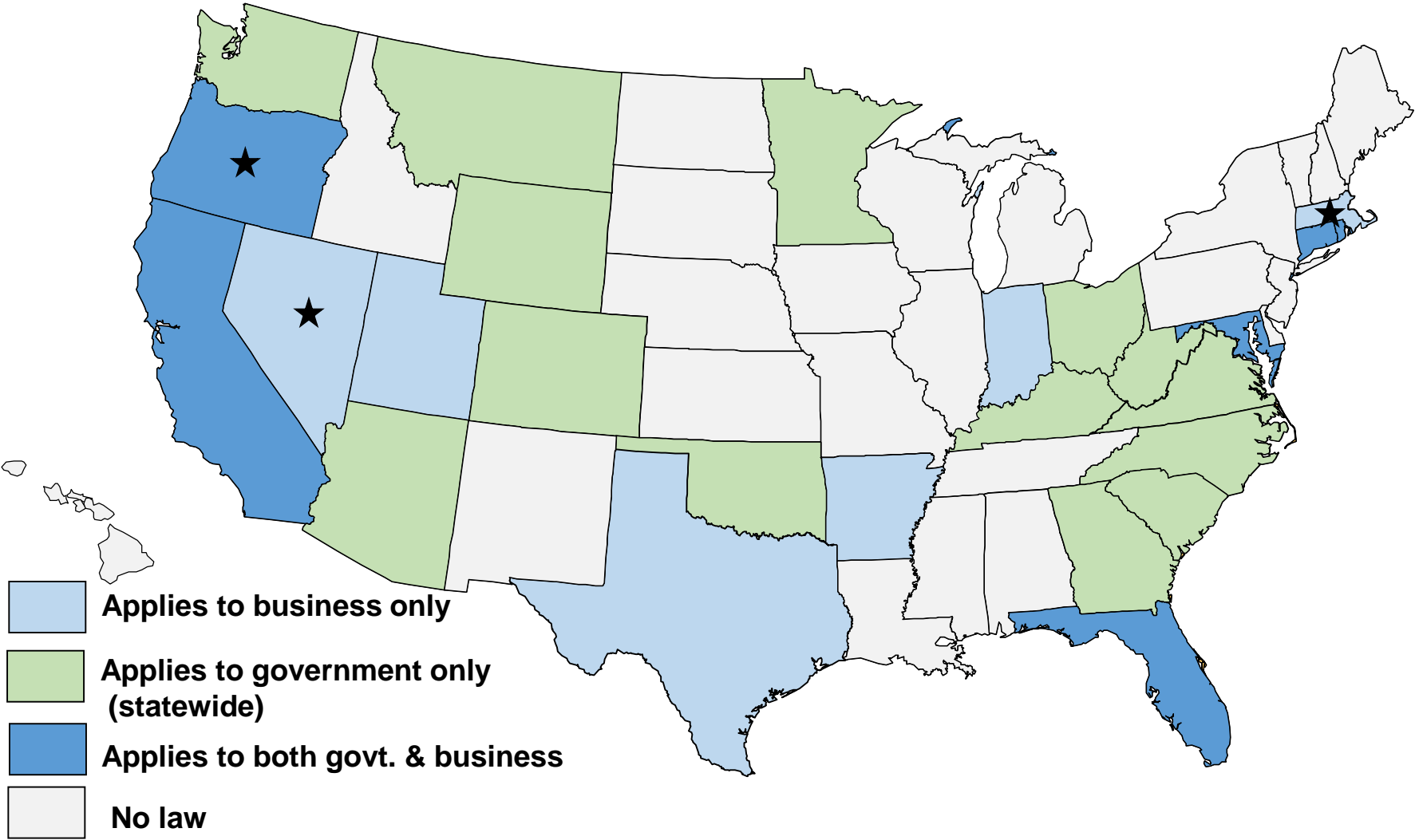
Massachusetts (2005), Nevada (2005, 2010)

- Businesses must implement encryption to protect PI transmitted across public wireless networks.

Massachusetts (2005)

- Businesses must develop, maintain information security program.

Data Security Laws





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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



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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



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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



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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



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[Security Breaches](#)

[Cybersecurity 2016 Legislation](#)

[Computer Crime Statutes](#)

[Data Disposal Statutes](#)

[Spyware Statutes](#)

[Phishing Statutes](#)

Additional Information:

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