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NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

State Cybersecurity Legislation: 2018

NCSL Cybersecurity Task Force

May 11, 2018

Pam Greenberg

National Conference of State Legislatures



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Agenda

- **2018 State Legislation/Trends**
 - **Cybersecurity/computer crime**
 - **Security breach notification**
 - **Credit/security freeze**



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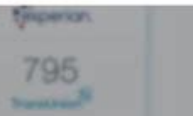
EQUIFAX®

140 MILLION PEOPLE

NAMES DRIVERS LICENSES

SOCIAL SECURITY NUMBERS

BIRTHDATES ADRESSES



WannaCry, Petya, NotPetya: how ransomware hit the big time in 2017

Most first encountered ransomware after an outbreak shut down hospital computers and diverted ambulances this year. Is it here to stay?

9:48 AM, 9/18/2017 3,774

3 Free Issues of Forbes

Boeing Is The Latest WannaCry Ransomware Victim



Lee Mathews, CONTRIBUTOR

Observing, pondering, and writing about tech. Generally in that order. [FULL BIO](#)

Opinions expressed by Forbes Contributors are their own.

The alarm bells were blaring this week at Boeing. In the early hours Wednesday morning, computers on the aerospace giant's network were being attacked by the WannaCry virus.



Equifax Suffered a Hack Almost Five Months Earlier Than the Date It Disclosed

By Michael Riley, Anita Sharpe, and Jordan Robertson

18 September 2017, 22:55 BST Updated on 18 September 2017, 23:37 BST

- New timeline could have implications for executive stock sales
- The company is the subject of multiple investigations



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2018 Cybersecurity Legislation

- 275+ bills introduced in 33 states, DC, PR
- 28 bills enacted in 12 states

Major Categories/Types of Bills:

- Security practices for government
- Appropriations
- Exemptions from public records laws
- Computer crime
- Workforce/training

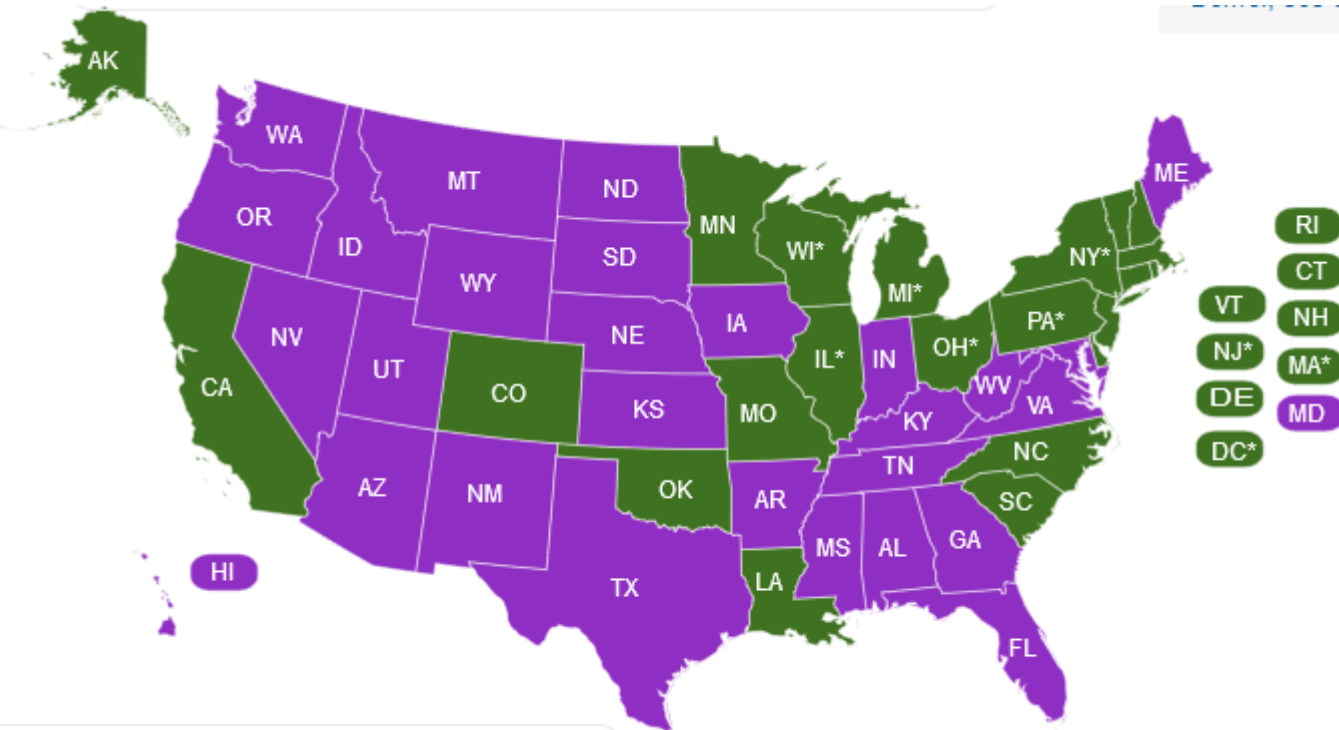


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2018 Session Calendar



■ Organizational Session | ■ Adjourned | ■ Not yet convened
■ In Special Session | ■ In Session | ■ In Regular/Special Session

* Legislature meets throughout the year

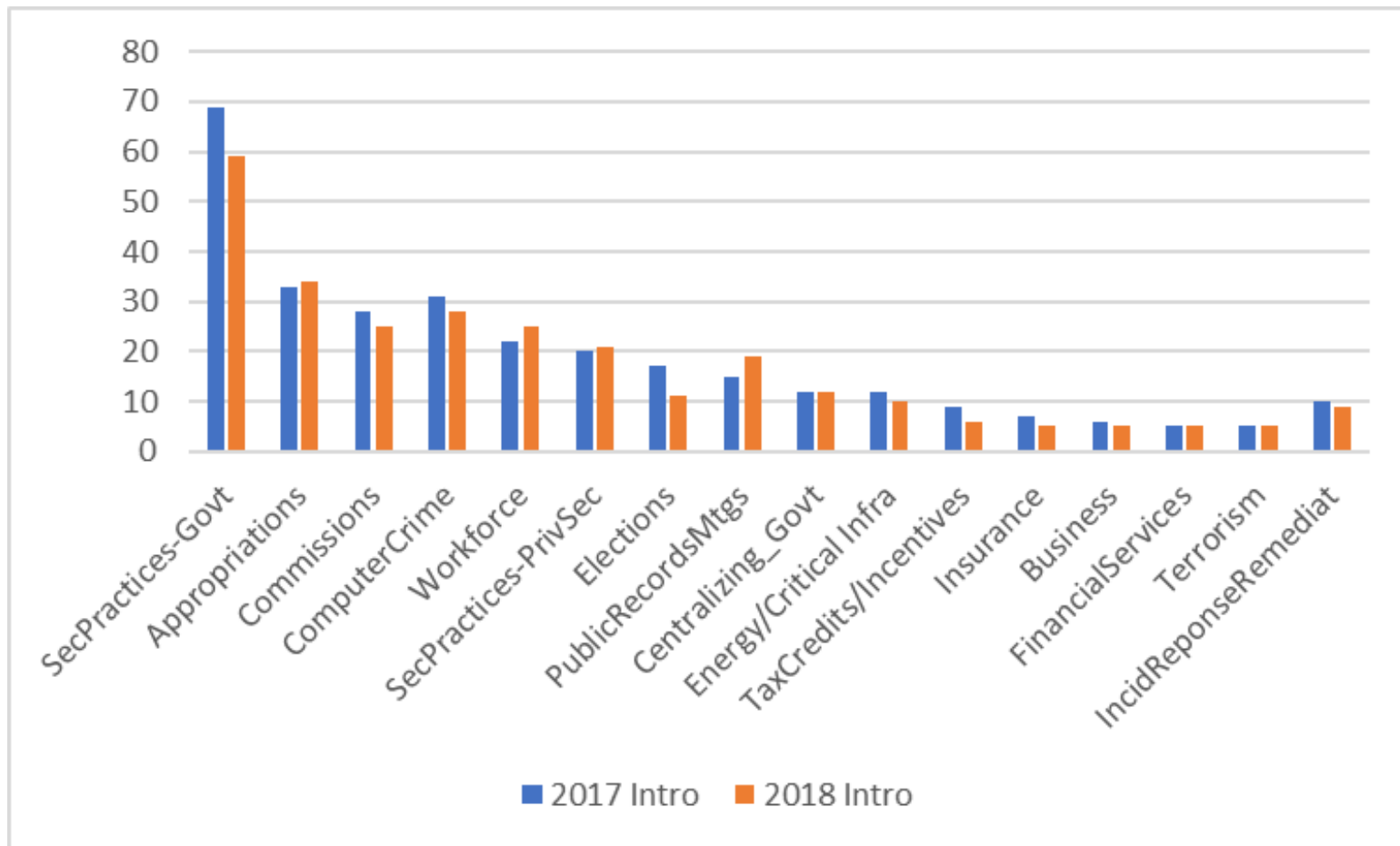


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Cybersecurity Bills: 2017 vs 2018



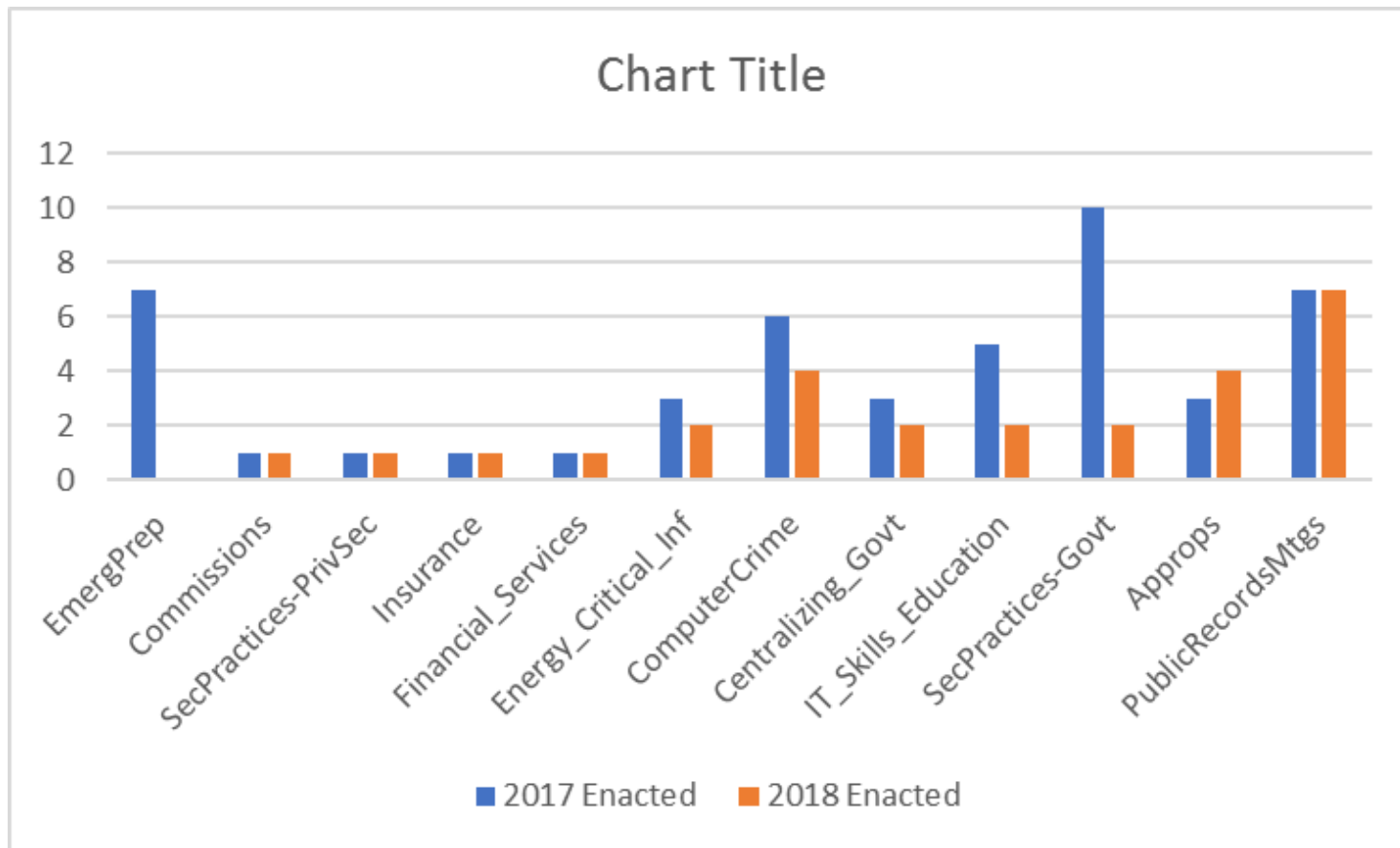


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Cybersecurity Enactments 2017 vs 2018





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2018 Security Breach Legislation

- 163 bills introduced in 36 states, DC, PR
- 23 bills enacted/adopted in 10 states, DC

Major Categories/Types of Bills:

- Expanding definitions of personal information
- Setting specific timeframe for notification
- Expanding who must comply
- Requiring reporting to AG/other state office



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2018 Security Breach Legislation

New Laws

- South Dakota – 49th state to pass a breach law
 - Defines “protected information” in addition to PI
 - 60 days to notify consumer
 - Must notify AG and credit bureaus
- Alabama – 50th state to pass a breach law
 - Requires/defines reasonable security measures
 - Applies to third party agents
 - 45 days to notify consumer, must notify AG



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2018 Security Breach Legislation

Other Security Breach Notification Enactments

- AZ – entities not required to report if breach isn't likely to result in economic loss
- OR – applies to anyone who possesses PI, 45 day notification, revises security practices, expands def. of PI
- WA – requires a report on trends in data breaches
- VA – state tax preparers must notify VA Dept of Taxation



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Credit/Security Freeze Legislation

- 141 bills introduced in 30 states in 2018
- 24 bills enacted in 17 states and D.C. in 2018

Categories/Types:

- Prohibiting fees for freezes
- Limiting fees
- Requiring reasonable security practices by credit reporting agencies
- Authorizing freezes for “protected consumers”



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NCSL Web Resources

[Security Breach Laws and Legislation](#)

[Cybersecurity Legislation](#)

[Computer Crime Statutes](#)

[Data Disposal Statutes](#)

[Spyware Statutes](#)

[Phishing Statutes](#)

Questions/Additional Information:

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<http://www.ncsl.org/research/telecommunications-and-information-technology.aspx>