

AN ACT

relating to information collected about and purchases of information technology by governmental entities.

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

SECTION 1. Section 552.139, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The following information is confidential:

(1) a computer network vulnerability report;

(2) any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; ~~and~~

(3) a photocopy or other copy of an identification badge issued to an official or employee of a governmental body; and

(4) information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

1        (b-1) Subsection (b)(4) does not affect the notification  
2 requirements related to a breach of system security as defined by  
3 Section 521.053, Business & Commerce Code.

4        SECTION 2. Subchapter C, Chapter 2054, Government Code, is  
5 amended by adding Section 2054.068 to read as follows:

6        Sec. 2054.068. INFORMATION TECHNOLOGY INFRASTRUCTURE  
7 REPORT. (a) In this section, "information technology" includes  
8 information resources and information resources technologies.

9        (b) The department shall collect from each state agency  
10 information on the status and condition of the agency's information  
11 technology infrastructure, including information regarding:

12            (1) the agency's information security program;

13            (2) an inventory of the agency's servers, mainframes,  
14 cloud services, and other information technology equipment;

15            (3) identification of vendors that operate and manage  
16 the agency's information technology infrastructure; and

17            (4) any additional related information requested by  
18 the department.

19        (c) A state agency shall provide the information required by  
20 Subsection (b) to the department according to a schedule determined  
21 by the department.

22        (d) Not later than November 15 of each even-numbered year,  
23 the department shall submit to the governor, chair of the house  
24 appropriations committee, chair of the senate finance committee,  
25 speaker of the house of representatives, lieutenant governor, and  
26 staff of the Legislative Budget Board a consolidated report of the  
27 information submitted by state agencies under Subsection (b).

1       (e) The consolidated report required by Subsection (d)  
2 must:

3               (1) include an analysis and assessment of each state  
4 agency's security and operational risks; and

5               (2) for a state agency found to be at higher security  
6 and operational risks, include a detailed analysis of, and an  
7 estimate of the costs to implement, the:

8                       (A) requirements for the agency to address the  
9 risks and related vulnerabilities; and

10                      (B) agency's efforts to address the risks through  
11 the:

12                               (i) modernization of information  
13 technology systems;

14                               (ii) use of cloud services; and

15                               (iii) use of a statewide technology center  
16 established by the department.

17       (f) With the exception of information that is confidential  
18 under Chapter 552, including Section 552.139, or other state or  
19 federal law, the consolidated report submitted under Subsection (d)  
20 is public information and must be released or made available to the  
21 public on request. A governmental body as defined by Section  
22 552.003 may withhold information confidential under Chapter 552,  
23 including Section 552.139, or other state or federal law that is  
24 contained in a consolidated report released under this subsection  
25 without the necessity of requesting a decision from the attorney  
26 general under Subchapter G, Chapter 552.

27       (g) This section does not apply to an institution of higher

1 education or university system, as defined by Section 61.003,  
2 Education Code.

3 SECTION 3. Section 2054.0965(a), Government Code, is  
4 amended to read as follows:

5 (a) Not later than March 31 [~~December 1~~] of each  
6 even-numbered [~~odd-numbered~~] year, a state agency shall complete a  
7 review of the operational aspects of the agency's information  
8 resources deployment following instructions developed by the  
9 department.

10 SECTION 4. Section 2157.007, Government Code, is amended by  
11 amending Subsection (b) and adding Subsection (e) to read as  
12 follows:

13 (b) A state agency shall [~~may~~] consider cloud computing  
14 service options, including any security benefits and cost savings  
15 associated with purchasing those service options from a cloud  
16 computing service provider and from a statewide technology center  
17 established by the department, when making purchases for a major  
18 information resources project under Section 2054.118.

19 (e) Not later than November 15 of each even-numbered year,  
20 the department, using existing resources, shall submit a report to  
21 the governor, lieutenant governor, and speaker of the house of  
22 representatives on the use of cloud computing service options by  
23 state agencies. The report must include use cases that provided  
24 cost savings and other benefits, including security enhancements.  
25 A state agency shall cooperate with the department in the creation  
26 of the report by providing timely and accurate information and any  
27 assistance required by the department.

1           SECTION 5. Sections [552.139\(b\)\(4\)](#) and (b-1), Government  
2 Code, as added by this Act, apply only to a request for public  
3 information received on or after the effective date of this Act. A  
4 request received before the effective date of this Act is governed  
5 by the law in effect when the request was received, and the former  
6 law is continued in effect for that purpose.

7           SECTION 6. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 532 passed the Senate on April 3, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 26, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 532 passed the House, with amendments, on May 19, 2017, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor