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The original instrument was prepared by Morgan Robertson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

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DIGEST

SB 273 Reengrossed 2020 Regular Session Hewitt

Proposed law creates a registration for managed service providers doing business in this state with a public body, provide access for public bodies to obtain information on managed service providers, and require managed service providers to report cyber incidents and the payment of cyber ransom or ransomware.

Proposed law defines "cyber incident", "cyber ransom or ransomware", "Louisiana Cybersecurity Commission", "managed service provider", "managed security service provider", and "public body".

Proposed law prohibits a provider from doing business with a public body in this state unless the provider has registered with the secretary of state and remains in good standing.

Proposed law provides for an application process for providers that manage a public body's information technology infrastructure, security, or end-user systems.

Proposed law requires providers to report any cyber incident impacting a public body within 24 hours of discovery to the Louisiana Cybersecurity Commission.

Proposed law requires providers to report any payment of cyber ransom or ransomware involving a public body by the provider or public body within 10 calendar days of the payment of the ransom to the Louisiana Cybersecurity Commission.

Proposed law provides that reports of cyber incidents or the payment of cyber ransom or ransomware involving a public body shall not be public record.

Proposed law prohibits a public body in this state from entering into a contract with a managed service provider or managed security service provider that has not registered with the secretary of state or has failed to renew its registration with the secretary of state and provides that such a contract is null and void.

Present law provides exceptions to the public records law.

Proposed law retains present law and adds an exception for any writings, records, or reports of cyber incidents or payment of cyber ransoms submitted to the commission for 60 days from the date of submission.

Proposed law authorizes the secretary of state to adopt rules and regulations to implement proposed law.

Authority of the secretary of state to adopt rules effective August 1, 2020. The remaining provisions of proposed law effective February 1, 2021.

(Adds R.S. 44:4.1(D) and R.S. 51:2111-2116)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Adds and defines the term "managed security service provider".

Senate Floor Amendments to engrossed bill

1. Provides an exception to the disclosure requirement of the Public Records Law for any writings, records, or reports of cyber incidents or payment of cyber ransoms submitted to the commission for 60 days from the date of submission.
2. Specifies that the reporting of a cyber incident which impacts a public body and in which the payment of cyber ransom or ransomware is made is required if the provider or the public body made the payment.
3. Removes an exception to the disclosure requirement of the Public Records Law for any report of a cyber incident or the payment of cyber ransom or ransomware involving a public body.
4. Makes technical changes.