

## MEMORANDUM

To: Senate Ways and Means Committee  
From: Alan D. Conroy, <sup>AD.C.</sup> Executive Director  
Date: January 31, 2018  
Subject: SB 342; Kansas Cybersecurity Act

Senate Bill 342 creates the position of Chief Information Security Office (CISO) inside the Office of Information Technology Service (OITS). This new position would be responsible for setting cybersecurity strategy and overseeing cybersecurity plans for all executive branch agencies, with the exception of the Board of Regents, Regents insitutions and the state-wide elected officials. **KPERS is requesting an exemption from the provisions of SB 342 and to be added to the exception list within the bill** (proposed amendment attached).

KPERS is supportive of efforts to improve the cybersecurity of the state's information technology system. We understand that not all executive branch agencies have the resources to focus on cybersecurity to the level that KPERS is able. While a centralized cybersecurity executive may work to increase the level of security at some agencies, we are concerned that it could have the opposite effect on our cybersecurity systems.

**Cybersecurity is a priority for KPERS.** Given its fiduciary role, the KPERS Board of Trustees places a very high priority on cybersecurity, as reflected in its allocation of resources and expenditures for that purpose. As a result of KPERS' focus on cybersecurity, multiple Legislative Post Audit reviews of KPERS' security have found KPERS' cybersecurity to be exemplary among state agencies.

There may be concerns with KPERS being exempted from a centralized cybersecurity plan, specifically staying within the executive branch information technology system (KANWIN). KPERS has reviewed the options available and believes that it would be feasible for KPERS to move outside of KANWIN if that would be helpful. Thank you for your consideration.

The House passed a broader cybersecurity measure (Sub for HB 2331, currently in Senate Ways and Means) during the 2017 session. That legislation also created a centralized cybersecurity office, which posed legal issues due to the fiduciary requirements of the Trust Fund. The House did amend HB 2331 to exempt KPERS from the cybersecurity provisions as approved by the House in 2017.

At this time, **KPERS would respectfully request the Committee to consider the attached amendment for KPERS to be exempted from SB 342 so that we can continue to maintain our "best in class" cybersecurity solutions for our memebers.**

Attachment



**SENATE BILL No. 342**

By Committee on Ways and Means

1-30

1 AN ACT concerning information systems and communications; creating  
2 the Kansas cybersecurity act; establishing the Kansas information  
3 security office; establishing the cybersecurity state fund.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. Sections 1 through 14, and amendments thereto, shall be  
7 known and may be cited as the Kansas cybersecurity act.

8 Sec. 2. As used in sections 1 through 14, and amendments thereto:

9 (a) "Act" means the Kansas cybersecurity act.

10 (b) "Breach" or "breach of security" means unauthorized access of  
11 data in electronic form containing personal information. Good faith access  
12 of personal information by an employee or agent of the executive branch  
13 agency does not constitute a breach of security, provided that the  
14 information is not used for a purpose unrelated to the business or subject to  
15 further unauthorized use.

16 (c) "CISO" means the executive branch chief information security  
17 officer.

18 (d) "Cybersecurity" is the body of technologies, processes and  
19 practices designed to protect networks, computers, programs and data from  
20 attack, damage or unauthorized access.

21 (e) "Data in electronic form" means any data stored electronically or  
22 digitally on any computer system or other database and includes  
23 recordable tapes and other mass storage devices.

24 (f) "Executive branch agency" means any agency in the executive  
25 branch of the state of Kansas, but does not include elected office agencies,  
26 regents' institutions, or the board of regents.

27 (g) "Governmental entity" means any department, division, bureau,  
28 commission, regional planning agency, board, district, authority, agency or  
29 other instrumentality of this state that acquires, maintains, stores or uses  
30 data in electronic form containing personal information.

31 (h) "KISO" means the Kansas information security office.

32 (i) "Municipality" shall have the meaning ascribed to it in K.S.A. 75-  
33 6102, and amendments thereto.

34 (j) (1) "Personal information" means:

35 (A) An individual's first name or first initial and last name, in  
36 combination with at least one of the following data elements for that

*the Kansas public employees retirement system,*