

1 Brianne K. Nadeau

2 Councilmember Brianne K. Nadeau

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Councilmember Brandon T. Todd

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To create a program under which volunteers may provide services to District government agencies and offices to respond to cybersecurity incidents; to provide for protection from liability for personal injury and property damage; and to create the District of Columbia Cyber Civilian Collective and prescribe its powers and duties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Cyber Civilian Collective Act of 2018".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "CCC" means the District of Columbia Cyber Civilian Collective created in section 3.

(2) "Client" means a municipal, educational, nonprofit, or business organization that has requested and is using the rapid response assistance of CCC under the direction of Office of the Chief Technology Officer.

(3) "Cybersecurity incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident on any of these. Cybersecurity incident includes, but is not limited to, the existence of a

31 vulnerability in an information system, system security procedures, internal controls, or
32 implementation that is subject to exploitation.

33 (4)"OCTO" means the Office of the Chief Technology Officer.

34 (5) "CCC volunteer" means an individual who has entered into a volunteer
35 agreement with OCTO to serve as a volunteer in the CCC.

36 (6) "Volunteer agreement" means the contract entered into between OCTO and a
37 CCC volunteer under section 5.

38 Sec. 3. Cyber Civilian Collective.

39 (a) There is established a Cyber Civilian Collective, in which volunteers may provide
40 services to District government agencies and offices to respond to cybersecurity incidents.

41 (b) OCTO shall approve the set of tools that the CCC may use in response to a
42 cybersecurity incident.

43 (c) OCTO shall issue rules providing the standards of expertise necessary for an
44 individual to become a member of the CCC and shall publish guidelines for the operation of the
45 CCC program.

46 (d) OCTO shall provide appropriate training to individuals participating in the CCC.

47 (e) OCTO may provide compensation for actual and necessary travel and subsistence
48 expenses incurred by CCC volunteers on a deployment at the discretion of OCTO.

49 Sec. 4. Liability.

50 (a) OCTO may select individuals to serve as CCC volunteers for the purposes of
51 facilitating the responsibilities of OCTO as provided in ___ of this act. Except as otherwise
52 provided in this act, while a CCC volunteer is deployed, he or she shall have the same immunity

53 from civil liability as an OCTO employee and shall be treated in the same manner as an OCTO
54 employee.

55 (b) If a CCC volunteer materially breaches his or her volunteer agreement, the CCC
56 volunteer is not acting on behalf of OCTO, and thus loses the immunity from civil liability
57 described in subsection (a).

58 (c) A CCC volunteer is not an agent, employee, or independent contractor of the District
59 for any purpose and has no authority to bind the District with regard to third parties.

60 (d) The District is not liable to a CCC volunteer for personal injury or property damage
61 suffered by the CCC volunteer through participation in the CCC.

62 Sec. 5. Cyber Civilian Collective contract.

63 OCTO shall enter into a contract with any individual who wishes to accept an invitation
64 by OCTO to serve as a CCC volunteer. The contract shall include, at a minimum, the following:

65 (1) A provision acknowledging the confidentiality of information relating to the
66 District, District residents, and clients;

67 (2) A provision protecting from disclosure any confidential information of the
68 District, District residents, or clients acquired by the CCC volunteer through participation in the
69 CCC;

70 (3) A provision requiring the CCC volunteer to avoid conflicts of interest that
71 might arise from a particular deployment;

72 (4) A provision requiring the CCC volunteer to comply with all existing OCTO
73 security policies and procedures regarding information technology resources;

74 (5) A provision requiring the CCC volunteer to consent to background screening
75 considered appropriate by the department under this act, and a section in which the individual
76 gives that consent as described in section 5; and

77 (6) A provision requiring the CCC volunteer to attest that he or she meets that
78 standards of expertise established by OCTO pursuant to section 3(c).

79 Sec. 6. Background check.

80 (a) Prior to a CCC volunteer beginning his or her service, OCTO shall request the
81 Metropolitan Police Department (“MPD”) to do each of the following:

82 (1) Conduct a criminal history check on the individual; and

83 (2) Conduct a criminal records check through the Federal Bureau of Investigation
84 on the individual.

85 (b) Prior to a CCC volunteer beginning his or her service, the volunteer shall give written
86 consent in the volunteer agreement for MPD to conduct the criminal history check and criminal
87 records check required under this section. OCTO shall require the individual to submit his or her
88 fingerprints to MPD and the Federal Bureau of Investigation for the criminal records check.

89 (c) Within a reasonable time after receiving a complete request by OCTO for a criminal
90 history check and criminal records check on an individual under this section, MPD
91 shall conduct the criminal history check and provide a report of the results to OCTO. The report
92 shall contain any criminal history record information on the individual maintained by MPD.

93 (d) Within a reasonable time after receiving a proper request by OCTO for a criminal
94 records check on an individual under this section, MPD shall initiate the criminal records check.
95 After receiving the results of the criminal records check from the Federal Bureau of
96 Investigation, MPD shall provide a report of the results to OCTO.

97 (e) MPD may charge OCTO a fee for a criminal history check or a criminal records check
98 required under this section that does not exceed the actual and reasonable cost of conducting the
99 check. OCTO may pass along to the individual the actual cost or fee charged by MPD for
100 performing a criminal history check or a criminal records check required under this section.

101 Sec. 7. Fiscal impact statement.

102 The Council adopts the fiscal impact statement in the committee report as the fiscal
103 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
104 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

105 Sec. 8. Effective date.

106 This act shall take effect following approval by the Mayor (or in the event of veto by the
107 Mayor, action by Council to override the veto), a 30-day period of congressional review as
108 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
109 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
110 Columbia Register.