

House Bill 1049

By: Representatives Momtahan of the 17<sup>th</sup>, Parsons of the 44<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Gullett of the 19<sup>th</sup>, Holmes of the 129<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 38 and 50 of the Official Code of Georgia Annotated, relating to military,  
2 emergency management, and veterans affairs and state government, respectively, so as to  
3 facilitate the sharing of information and reporting of cyber attacks; to require governmental  
4 agencies and utilities to report any cyber attacks to the director of emergency management  
5 and homeland security; to provide for definitions; to provide for the director to promulgate  
6 certain rules and regulations; to provide for proceedings related to cybersecurity to be held  
7 in executive session; to provide for certain information, data, and reports related to  
8 cybersecurity and cyber attacks to be exempt from public disclosure and inspection; to  
9 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency  
14 management, and veterans affairs, is amended by adding a new Code section to read as  
15 follows:

16 "38-3-22.3.

17 (a) As used in this Code section, the term:

18 (1) 'Agency' means:

19 (A) The executive, judicial, or legislative branch of this state and any department,  
20 agency, board, bureau, office, commission, public corporation, and authority thereof;

21 (B) Every county, municipal corporation, school district, or other political subdivision  
22 of this state;

23 (C) Every department, agency, board, bureau, office, commission, authority, or similar  
24 body of each such county, municipal corporation, or other political subdivision of this  
25 state; and

26 (D) Every city, county, regional, or other authority established pursuant to the laws of  
 27 this state.

28 Such term shall not include any county, municipal corporation, or public corporation or any  
 29 authority of a county, municipal corporation, or public corporation when such county,  
 30 municipal corporation, public corporation, or authority is acting in the capacity of a  
 31 provider of wholesale or retail electric or gas service or in the capacity of a conduit through  
 32 which a municipal corporation furnishes electric or gas service.

33 (2) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or  
 34 system for producing, transmitting, or distributing power, electricity, light, heat, or gas.

35 (b) Except as provided in subsection (c) of this Code section, every agency and utility shall  
 36 report to the director of emergency management and homeland security, or his or her  
 37 designee, any cyber attack incident, data breach, or identified use of malware on an agency  
 38 or utility computer or network determined by the director to be the type of cyber attack,  
 39 data breach, or use of malware to create a life-safety event, substantially impact the  
 40 security of data and information systems, or affect critical systems, equipment, or service  
 41 delivery.

42 (c) The reporting requirements of subsection (b) of this Code section shall be satisfied if:

43 (1) The cyber attack incident, data breach, or identified use of malware upon an agency  
 44 or utility is of a nature required to be reported to the United States government or any  
 45 agency thereof or the agency or utility elects to report such cyber attack incident, data  
 46 breach, or identified use of malware to the United States government or any agency  
 47 thereof; and

48 (2) Within two hours of making such report to the United States government or any  
 49 agency thereof, the agency or utility provides substantially the same information to the  
 50 director of emergency management and homeland security or his or her designee.

51 (d) The director of emergency management and homeland security shall, subject to  
 52 approval by the Governor, promulgate rules and regulations specifying the reporting  
 53 mechanism for making a report under subsections (b) and (c) of this Code section and the  
 54 required information and time frame for making a report under subsection (b) of this Code  
 55 section.

56 (e) Any reports or records produced pursuant to this Code section shall not be subject to  
 57 public inspection or disclosure under Article 4 of Chapter 18 of Title 50."

58 **SECTION 2.**

59 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 60 by revising subsection (b) of Code Section 50-14-3, relating to excluded proceedings, by

61 deleting "and" at the end of paragraph (3), by replacing the period with "; or" at the end of  
62 paragraph (4), and by adding a new paragraph to read as follows:

63 "(5) Any portions of meetings when any agency is discussing cybersecurity or voting to  
64 approve any action related to cybersecurity. For purposes of this paragraph,  
65 'cybersecurity' means information technology infrastructure details, including network  
66 architecture, schematics, and information technology system designs, source code,  
67 detailed hardware and software inventories, security plans, vulnerability reports, security  
68 risk assessment details, audit reports, security compliance reports, authentication  
69 credentials, security policies and processes, security incident reports, information  
70 collected during incident response, and any other information technology data that, if  
71 disclosed, could allow unauthorized access to the information technology assets of the  
72 state."

73 **SECTION 3.**

74 Said title further amended in subsection (a) of Code Section 50-18-72, relating to when  
75 disclosure of public records is not required, by deleting "or" at the end of paragraph (49), by  
76 replacing the period with a semicolon at the end of paragraph (50), and by adding two new  
77 paragraphs to read as follows:

78 "(51) Records, data, or information concerning cybersecurity. For purposes of this  
79 paragraph, 'cybersecurity' shall have the same meaning as provided in paragraph (5) of  
80 subsection (b) of Code Section 50-14-3; or  
81 (52) Any reports produced pursuant to Code Section 38-3-22.3."

82 **SECTION 4.**

83 This Act shall become effective upon its approval by the Governor or upon its becoming law  
84 without such approval.

85 **SECTION 5.**

86 All laws and parts of laws in conflict with this Act are repealed.