

HOUSE BILL No. 1112

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-26-10; IC 5-14-8; IC 34-30-2-14.5.

Synopsis: Cybersecurity. Establishes the cyber civilian corps and the cyber civilian corps advisory board. Requires the cyber civilian corps to provide rapid response assistance, upon request to an Indiana governmental, educational, nonprofit, or business organization, to a cybersecurity incident. Places the cyber civilian corps program under the supervision of the Indiana management and performance hub. Requires the department of technology to study the feasibility and necessity of acquiring insurance to cover cyber liability of the state and state employees and report to the legislative council the results of the study and recommendations.

Effective: July 1, 2018.

Macer

January 4, 2018, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1112

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-3-26-10, AS ADDED BY P.L.269-2017,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 10. The MPH shall do the following:
4 (1) Establish and maintain a program to collect, analyze, and
5 exchange government information in carrying out the powers and
6 duties of the OMB and the powers and duties of the executive
7 state agency sharing the data. In carrying out this program, the
8 MPH may, in accordance with IC 4-1-6, obtain government
9 information from each executive state agency.
10 (2) In accordance with IC 4-1-6 and IC 5-14-3, establish and
11 maintain a program to make government information available to
12 executive state agencies, political subdivisions, educational
13 institutions, researchers, nongovernmental organizations, and the
14 general public, subject to the following:
15 (A) A request for data subject to IC 4-1-6-8.6 shall be made in
16 conformance with that section.
17 (B) A program established and maintained under this chapter



- 1 must include policies governing access to government
 2 information held by the MPH under this chapter. Government
 3 information may be made available only in accordance with
 4 applicable confidentiality and disclosure laws.
- 5 (3) Establish privacy and quality policies for government
 6 information that comply with all applicable Indiana and federal
 7 laws, rules, and policies.
- 8 (4) In accordance with standards developed by the office of
 9 technology established by IC 4-13.1-2-1, establish and maintain
 10 a program to ensure the security of government information under
 11 this chapter.
- 12 (5) Conduct operational and procedural audits of executive state
 13 agencies.
- 14 (6) Perform financial planning and design and implement
 15 efficiency projects for executive state agencies.
- 16 (7) Advise and assist each executive state agency to identify and
 17 implement continuous process improvement in state government.
- 18 (8) Carry out such other responsibilities as may be designated by
 19 the director of the OMB or the chief data officer to carry out the
 20 responsibilities of the OMB or the chief data officer.
- 21 **(9) Administer the cyber civilian corps program under**
 22 **IC 5-14-8.**
- 23 SECTION 2. IC 5-14-8 IS ADDED TO THE INDIANA CODE AS
 24 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2018]:
- 26 **Chapter 8. Cyber Civilian Corps**
- 27 **Sec. 1. As used in this chapter, "agency" refers to the**
 28 **management performance hub established by IC 4-3-26-8.**
- 29 **Sec. 2. As used in this chapter, "board" refers to the cyber**
 30 **civilian corps advisory board created under section 15 of this**
 31 **chapter.**
- 32 **Sec. 3. As used in this chapter, "chief data officer" refers to the**
 33 **chief data officer appointed under IC 4-3-26-9.**
- 34 **Sec. 4. As used in this chapter, "client" means an Indiana**
 35 **governmental, educational, nonprofit, or business organization that**
 36 **has requested, and is using, the rapid response assistance of the**
 37 **cyber civilian corps under the direction of the agency.**
- 38 **Sec. 5. As used in this chapter, "cybersecurity incident" means**
 39 **any of the following:**
- 40 **(1) The existence of a vulnerability in an information system,**
 41 **system security procedures, internal controls, or**
 42 **implementation that is subject to exploitation.**



1 **(2) An event occurring on or conducted through a computer**
 2 **network that actually or imminently jeopardizes the integrity,**
 3 **confidentiality, or availability of any of the following:**

4 **(A) Computers.**

5 **(B) Information.**

6 **(C) Communications systems or networks.**

7 **(D) Physical or virtual infrastructure controlled by**
 8 **computers or information systems, or information residing**
 9 **on any of these.**

10 **Sec. 6. As used in this chapter, "cyber civilian corps" refers to**
 11 **the program established by this chapter under which volunteers**
 12 **who have expertise in addressing cybersecurity incidents may**
 13 **volunteer at the invitation of the agency to provide rapid response**
 14 **assistance to an Indiana governmental, educational, nonprofit, or**
 15 **business organization in need of expert assistance during a**
 16 **cybersecurity incident.**

17 **Sec. 7. As used in this chapter, "volunteer" refers to an**
 18 **individual who has entered into a volunteer agreement with the**
 19 **agency to serve as a volunteer in the cyber civilian corps.**

20 **Sec. 8. As used in this chapter, "volunteer agreement" refers to**
 21 **the contract entered into between the agency and a volunteer**
 22 **under section 10 of this chapter.**

23 **Sec. 9. The agency may appoint individuals to serve as cyber**
 24 **civilian corps volunteers for the purposes of facilitating the**
 25 **responsibilities of the agency as provided in this chapter.**

26 **Sec. 10. The agency shall enter into a contract with any**
 27 **individual who wants to accept an invitation by the agency to serve**
 28 **as a volunteer. The contract must include, at a minimum, all of the**
 29 **following:**

30 **(1) A provision acknowledging the confidentiality of**
 31 **information relating to the state of Indiana, Indiana residents,**
 32 **and clients.**

33 **(2) A provision protecting from disclosure any confidential**
 34 **information relating to the state of Indiana, Indiana residents,**
 35 **or clients acquired by the volunteer through participation in**
 36 **the cyber civilian corps.**

37 **(3) A provision requiring the volunteer to avoid conflicts of**
 38 **interest that might arise from a particular deployment.**

39 **(4) A provision requiring the volunteer to comply with all**
 40 **existing agency security policies and procedures regarding**
 41 **information technology resources.**

42 **(5) A provision requiring the volunteer to consent to**



1 background screening considered appropriate by the agency
2 under this chapter, including a provision in which the
3 individual gives that consent as described in section 12 of this
4 chapter.

5 (6) A provision requiring the volunteer to attest that the
6 volunteer meets all standards of expertise that the agency may
7 establish.

8 Sec. 11. (a) Except as otherwise provided in this chapter, while
9 a volunteer is deployed as provided in section 14 of this chapter,
10 the volunteer has the same immunity from civil liability as an
11 agency employee has when performing duties as an employee.

12 (b) If a volunteer materially breaches the volunteer agreement,
13 the volunteer is not acting on behalf of the agency, and loses the
14 immunity from civil liability described in subsection (a).

15 Sec. 12. (a) As used in this section, "criminal check" refers to
16 both of the following with respect to an individual:

17 (1) A criminal records check.

18 (2) A national criminal history background check on the
19 individual under IC 10-13-3-39.

20 (b) When an individual accepts an invitation to serve as a
21 volunteer under section 10 of this chapter, the agency shall request
22 the state police department to conduct a criminal check on the
23 individual.

24 (c) An individual who accepts an invitation to be a volunteer
25 shall give written consent in the volunteer agreement for the state
26 police department to conduct the criminal check required under
27 this section. The agency shall require the individual to submit the
28 individual's fingerprints to the state police department and the
29 Federal Bureau of Investigation for the criminal check.

30 (d) The agency shall request a criminal check under this section
31 on each individual who wants to participate as a volunteer. The
32 agency shall make the request on a form and in the manner
33 prescribed by the state police department.

34 (e) Within a reasonable time after receiving a request by the
35 agency for a criminal check on an individual under this section, the
36 state police department shall conduct the criminal check and
37 provide a report of the results to the agency. The report must
38 contain any criminal history information on the individual
39 maintained by the state police department.

40 (f) After receiving the results of the national criminal history
41 background check from the Federal Bureau of Investigation, the
42 state police department shall provide a report of the results to the



1 agency.

2 (g) The state police department may charge the agency a fee for
3 a criminal check required under this section that does not exceed
4 the actual and reasonable cost of conducting the check. The agency
5 may pass along to the volunteer the actual cost or fee charged by
6 the state police department for performing a criminal check
7 required under this section.

8 Sec. 13. (a) A volunteer is not an agent, employee, or
9 independent contractor of the state for any purpose and has no
10 authority to bind the state of Indiana with regard to third parties.

11 (b) The state of Indiana is not liable to a volunteer for personal
12 injury or property damage suffered by the volunteer through
13 participation in the cyber civilian corps.

14 Sec. 14. (a) On the occurrence of a cybersecurity incident that
15 affects a client, the client may request the agency to deploy one (1)
16 or more volunteers to provide rapid response assistance under the
17 direction of the agency.

18 (b) The agency, in its discretion, may initiate deployment of
19 volunteers upon the occurrence of a cybersecurity incident and the
20 request of a client.

21 (c) Acceptance of a deployment by a volunteer for a particular
22 cybersecurity incident must be made in writing. A volunteer may
23 decline to accept deployment for any reason.

24 (d) To initiate the deployment of a volunteer for a particular
25 cybersecurity incident, the agency shall indicate in writing that the
26 volunteer is authorized to provide the assistance. A single writing
27 may initiate the deployment of more than one (1) volunteer.

28 (e) The agency shall maintain a writing initiating the
29 deployment of a volunteer to provide assistance to a client for six
30 (6) years from the time of deployment or for the time required
31 under the agency's record retention policies, whichever is longer.

32 (f) The deployment of a volunteer to provide assistance to a
33 client must be for seven (7) days unless the writing initiating the
34 deployment contains a different period.

35 (g) At the direction of the agency, the deployment of a volunteer
36 may be extended in writing in the same manner as the initial
37 deployment.

38 Sec. 15. (a) The cyber civilian corps advisory board is
39 established as an advisory body within the agency.

40 (b) The board is composed of the following individuals:

- 41 (1) The adjutant general.
42 (2) The chief data officer.



1 (3) The superintendent of the state police department.

2 (4) The secretary of commerce appointed under IC 5-28-3-4.

3 (c) The board shall review and make recommendations to the
4 agency regarding the policies and procedures used by the agency
5 in implementing this chapter.

6 Sec. 16. (a) After consultation with the board, the chief data
7 officer shall do both of the following:

8 (1) Approve the set of tools that the cyber civilian corps may
9 use in response to a cybersecurity incident.

10 (2) Determine the standards of expertise necessary for an
11 individual to become a volunteer.

12 (b) After consultation with the board, the agency shall publish
13 guidelines for the operation of the cyber civilian corps program. At
14 a minimum, the published guidelines must include the following:

15 (1) An explanation of the standards the agency will use to
16 determine whether an individual may serve as a volunteer and
17 an explanation of the process by which an individual may
18 become a volunteer.

19 (2) An explanation of the requirements the agency will impose
20 for a client to receive the assistance of the cyber civilian corps
21 and an explanation of the process by which a client may
22 request and receive the assistance of the cyber civilian corps.

23 (c) The agency may enter into contracts with clients as a
24 condition to providing assistance through the cyber civilian corps.

25 (d) The agency may provide appropriate training to individuals
26 who want to be volunteers and to existing volunteers.

27 (e) The agency may provide compensation for actual and
28 necessary travel and subsistence expenses incurred by volunteers
29 on a deployment at the discretion of the agency.

30 (f) The agency may establish a fee schedule for clients to use the
31 assistance of the cyber civilian corps. The agency may pay for
32 expenses through the fees but may not generate a profit.

33 SECTION 3. IC 34-30-2-14.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2018]: **Sec. 14.5. IC 5-14-8-11 (Concerning
36 cyber civilian corps volunteers).**

37 SECTION 4. [EFFECTIVE JULY 1, 2018] (a) As used in this
38 SECTION, "cyber liability" means liability related to use of
39 computer systems.

40 (b) As used in this SECTION, "office" refers to the office of
41 technology established by IC 4-13.1-2-1.

42 (c) The office shall do the following:



- 1 **(1) Study the feasibility and necessity of purchasing insurance**
2 **to cover cyber liability of the state and the state's employees,**
3 **as described in IC 34-13-3-20.**
4 **(2) Submit a report before October 1, 2018, to the legislative**
5 **council (in an electronic format under IC 5-14-6) containing**
6 **the results of the office's study under this SECTION. The**
7 **report must include at least the following:**
8 **(A) Cyber liability risks to the state and the state's**
9 **employees.**
10 **(B) Recommendations concerning the purchase of**
11 **insurance to cover cyber liability of the state and the**
12 **state's employees.**
13 **(C) An estimate of the administrative costs of purchasing**
14 **the insurance coverage described in clause (B).**
15 **(d) This SECTION expires July 31, 2019.**

