SENATE BILL NO. 880

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time January 14, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4095S.03I

AN ACT

To amend chapter 37, RSMo, by adding thereto one new section relating to the protection of information controlled by state agencies.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 37, RSMo, is amended by adding thereto one new section, to be known as section 37.060, to read as follows:

37.060. 1. (1) There is hereby created within the office of administration the position of chief data officer, who shall be appointed by the commissioner of administration and shall report to the chief information officer or, in the absence of a chief information officer, the commissioner of administration.

(2) The chief data officer is authorized to oversee each state agency's management of electronic data for purposes of evaluating appropriate management and security of the data.

(3) The chief data officer may require each state agency to:

(a) Classify its electronic data into levels of sensitivity identified by the chief data officer and regularly review and update such classifications;

(b) Develop, adopt, and regularly update a written policy for responding to breaches and suspected breaches of the agency's electronic data;

(c) Develop, adopt, and regularly update a written policy for the proper disposal, consistent with chapter 109, of the agency's electronic data, including requiring the agency to use the office of administration's electronic waste contract for that purpose;

(d) Adopt data collection standards and procedures identified by the chief data officer; and

22   **(e) Develop, adopt, and regularly update other policies and**
23   **procedures the chief data officer deems necessary to evaluate**
24   **appropriate management and security of the agency's electronic data.**
25   **2. (1) Each state agency is responsible for identifying its various**
26   **types of electronic data, the location of such data, and the level of**
27   **security required for each type of data.**
28   **(2) Each state agency shall communicate the information**
29   **described in subdivision (1) of this subsection to the chief data officer**
30   **and shall provide updated information as necessary for the chief data**
31   **officer to evaluate the security of the agency's electronic data.**
32   **3. Each state agency shall cooperate with the chief data officer**
33   **in implementing this section. The chief data officer may provide**
34   **guidance to a state agency in fulfilling the functions described in this**
35   **section.**
36   **4. In the absence of a chief data officer, the commissioner of**
37   **administration, or his or her designee, may exercise the authority**
38   **granted in this section.**
39   **5. Nothing in this section shall be construed as:**
40   **(1) Waiving sovereign immunity against the state, any agency of**
41   **the state, or any officer or employee of the state; or**
42   **(2) Creating a cause of action against the state, any agency of the**
43   **state, or any officer or employee of the state.**
44   **6. The office of administration may promulgate rules to**
45   **implement the provisions of this section. Any rule or portion of a rule,**
46   **as that term is defined in section 536.010, that is created under the**
47   **authority delegated in this section shall become effective only if it**
48   **complies with and is subject to all of the provisions of chapter 536 and,**
49   **if applicable, section 536.028. This section and chapter 536 are**
50   **nonseverable and if any of the powers vested with the general assembly**
51   **pursuant to chapter 536 to review, to delay the effective date, or to**
52   **disapprove and annul a rule are subsequently held unconstitutional,**
53   **then the grant of rulemaking authority and any rule proposed or**
54   **adopted after August 28, 2020, shall be invalid and void.**

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