
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 40 Session of
2021

INTRODUCED BY GROVE, RYAN, THOMAS, SAYLOR AND MOUL,
JANUARY 11, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 11, 2021

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, providing for
3 information technology; establishing the Office of
4 Information Technology and the Information Technology Fund;
5 providing for administrative and procurement procedures and
6 for the Joint Cybersecurity Oversight Committee; and imposing
7 penalties.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Part V of Title 71 of the Pennsylvania
11 Consolidated Statutes is amended by adding a chapter to read:

12 CHAPTER 43

13 INFORMATION TECHNOLOGY

14 Subchapter

15 A. General Provisions

16 B. Office of Information Technology

17 C. Procurement and Business Operations

18 D. Security

19 E. Enforcement and Penalties

20 SUBCHAPTER A

1 GENERAL PROVISIONS

2 Sec.

3 4301. Scope of chapter.

4 4302. Findings and declarations.

5 4303. Definitions.

6 § 4301. Scope of chapter.

7 This chapter relates to administrative procedures and
8 procurement regarding information technology.

9 § 4302. Findings and declarations.

10 The General Assembly finds and declares the following:

11 (1) The Commonwealth has struggled to keep information
12 technology costs under control.

13 (2) Many of the Commonwealth's information technology
14 contracts extend well beyond their anticipated date of
15 completion.

16 (3) The Commonwealth can begin to reduce information
17 technology costs by the consolidation of information
18 technology functions and resources within the executive
19 branch.

20 (4) Consolidation of information technology services
21 will not only reduce costs but create more efficient
22 information technology operations.

23 (5) By reforming the Commonwealth's outdated approach to
24 information technology, the Commonwealth can improve data and
25 analytic capabilities and improve cybersecurity.

26 (6) The improvement of operations will enhance taxpayer
27 satisfaction and make it easier for residents to navigate.

28 (7) Consolidation of information technology services
29 must be designed to improve accountability and transparency
30 to taxpayers and enhance the Commonwealth's data and

1 analytics capabilities.

2 § 4303. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Director." The administrative head of the office.

7 "Distributed information technology assets." Hardware,
8 software and communications equipment not classified as
9 traditional mainframe-based items, including, but not limited
10 to, personal computers, local area networks, servers, mobile
11 computers, peripheral equipment and other related hardware and
12 software items.

13 "Electronic bidding." The electronic solicitation and
14 receipt of offers to contract.

15 "Fund." The Information Technology Fund established under
16 section 4316 (relating to Information Technology Fund).

17 "Independent agency." A board, commission, authority or
18 other agency of the Commonwealth that is not subject to the
19 policy supervision and control of the Governor. The term does
20 not include:

21 (1) a court or agency of the unified judicial system; or

22 (2) the General Assembly or an agency of the General
23 Assembly.

24 "Independent department." Any of the following:

25 (1) The Department of the Auditor General.

26 (2) The Treasury Department.

27 (3) The Office of Attorney General.

28 (4) A board or commission of an entity under paragraph
29 (1), (2) or (3).

30 "Information technology." Hardware, software and

1 telecommunications equipment, including, but not limited to, the
2 following:

- 3 (1) Personal computers.
- 4 (2) Servers.
- 5 (3) Mainframes.
- 6 (4) Wired or wireless wide and local area networks.
- 7 (5) Broadband.
- 8 (6) Mobile or portable computers.
- 9 (7) Peripheral equipment.
- 10 (8) Telephones.
- 11 (9) Wireless communications.
- 12 (10) Handheld devices.
- 13 (11) Public safety radio services.
- 14 (12) Facsimile machines.
- 15 (13) Technology facilities, including, but not limited
16 to, data centers, dedicated training facilities or switching
17 facilities.
- 18 (14) Electronic payment processing services.
- 19 (15) Other relevant hardware and software items or
20 personnel tasked with the planning, implementation or support
21 of technology, including hosting or vendor-managed service
22 solutions.

23 "Information technology security incident." A computer-based
24 activity, network-based activity or paper-based activity which
25 results directly or indirectly in misuse, damage, denial of
26 service, compromise of integrity or loss of confidentiality of a
27 network, a computer, an application or data.

28 "Office." The Office of Information Technology established
29 under Subchapter B (relating to Office of Information
30 Technology).

1 "Reverse auction." A real-time purchasing process in which
2 vendors compete to provide goods or services at the lowest
3 selling price in an open and interactive electronic environment.

4 "Secretary." The Secretary of Administration.

5 "State agency." Any of the following:

6 (1) The Governor's Office.

7 (2) A department, board, commission, authority or other
8 agency of the Commonwealth that is subject to the policy
9 supervision and control of the Governor.

10 (3) The office of Lieutenant Governor.

11 (4) An independent agency.

12 SUBCHAPTER B

13 OFFICE OF INFORMATION TECHNOLOGY

14 Sec.

15 4311. Establishment of office.

16 4312. Duties of office.

17 4313. Transfer of duties.

18 4314. Director.

19 4315. Planning and financing information technology resources.

20 4316. Information Technology Fund.

21 4317. Financial accountability and information technology.

22 4318. Statewide electronic portal and annual report.

23 4319. Budget for information technology.

24 4320. Commonwealth portal.

25 4321. Information technology request.

26 4322. Status of information technology projects and corrective
27 action plans.

28 § 4311. Establishment of office.

29 The Office of Information Technology is established within
30 the Governor's Office of Administration.

1 § 4312. Duties of office.

2 (a) Duties generally.--The office shall:

3 (1) Consolidate information technology functions,
4 powers, duties, obligations infrastructure and support
5 services vested in State agencies.

6 (2) Direct the management and operations of information
7 technology services for each State agency, including, but not
8 limited to, the following:

9 (i) The development of priorities and strategic
10 plans.

11 (ii) The management of information technology
12 investments, procurement and policy.

13 (iii) Oversight of each State agency to ensure
14 compliance with the provisions of this chapter.

15 (3) Recommend any changes to staffing or operations
16 regarding information technology.

17 (b) Specific duties.--As part of the general duties under
18 subsection (a), the office shall:

19 (1) Assist in developing annual information technology
20 strategic plans for each State agency that include
21 priorities, coordination and monitoring of resource use and
22 expenditures, performance review measures, procurement and
23 other governance and planning measures.

24 (2) Review and approve the information technology plans
25 for each State agency.

26 (3) Consult with the Governor's Office of the Budget on
27 budgetary matters regarding information technology planning
28 and procurement.

29 (4) Create an advisory structure to advise on matters
30 involving overall technology and data governance.

1 (5) Establish and maintain an information technology
2 portfolio management process for overall monitoring of
3 information technology program objectives, alignment with
4 priorities, budgets and expenditures.

5 (6) Identify common information technology business
6 functions within each State agency.

7 (7) Make recommendations for consolidation, integration
8 and investment.

9 (8) Facilitate the use of common technology, as
10 appropriate.

11 (9) Expand the use of project management methodologies
12 and principles on information technology projects, including
13 measures to review project delivery and quality.

14 (10) Ensure compliance by each State agency with
15 required business process reviews.

16 (11) Maintain a central procurement organization.

17 (12) Procure or supervise the procurement of all
18 information technology.

19 (13) Oversee information technology contract issues,
20 monitoring and compliance.

21 (14) Serve as a liaison between State agencies and
22 contracted information technology vendors.

23 (15) Align the appropriate technology and procurement
24 methods with the service strategy.

25 (16) Establish an information technology architecture
26 framework that governs information technology investments.
27 This architecture framework shall include the following, as
28 appropriate:

29 (i) The development of standards, policies,
30 processes and strategic technology roadmaps.

1 (ii) The performance of technical reviews and
2 capability assessments of services, technologies and
3 State agency systems.

4 (iii) The evaluation of requests for information
5 technology policy exceptions.

6 (17) Develop and implement efforts to standardize data
7 elements and determine data ownership assignments.

8 (18) Develop and maintain a comprehensive information
9 technology inventory.

10 (19) Monitor compliance with information technology
11 policy and standards through an architectural review process.

12 (20) Maintain and strengthen the Commonwealth's
13 cybersecurity posture through security governance.

14 (21) Develop security solutions, services and programs
15 to protect data and infrastructure.

16 (22) Identify and remediate security risks and maintain
17 citizen trust in securing computerized personal information.

18 (23) Implement programs, processes and solutions to
19 maintain cybersecurity situational awareness and effectively
20 respond to cybersecurity attacks and information technology
21 security incidents.

22 (24) Foster a culture of situational and risk awareness.

23 (25) Conduct evaluations and compliance audits of State
24 agency security infrastructure.

25 (26) Recommend and conduct the consolidation of State
26 agency information technology services, including, but not
27 limited to, infrastructure, personnel, investments,
28 operations and support services.

29 (27) Establish and facilitate a process for the
30 identification, evaluation and optimization of information

1 technology shared services.

2 (28) Establish, maintain and communicate service level
3 agreements for shared services.

4 (29) Establish a process for:

5 (i) the development and implementation of
6 telecommunications policies, services and infrastructure;
7 and

8 (ii) reviewing and authorizing State agency requests
9 for enhanced services.

10 (30) Identify opportunities for convergence and
11 leveraging existing assets to reduce or eliminate duplicative
12 telecommunication networks.

13 (31) Establish and maintain an information technology
14 service management process library to govern the services
15 provided to each State agency.

16 (32) Establish a formal governance body to evaluate the
17 introduction of new information technology services and the
18 retiring of existing information technology services.

19 (33) Establish metrics to monitor the health of the
20 services provided and make appropriate corrections as
21 necessary.

22 (34) Establish information technology data management
23 and development policy frameworks for each State agency that
24 include policies, processes and standards that adhere to
25 commonly accepted principles for, among other things, data
26 governance, data development and the quality, sourcing, use,
27 accessibility, content, ownership and licensing of open data.

28 (35) Create and maintain a comprehensive open data
29 portal for public accessibility.

30 (36) Provide guidance regarding the procurement of

1 supplies and services related to the subject matter of this
2 chapter.

3 (37) Facilitate communication with the public by
4 publishing open data plans and policies and by soliciting or
5 allowing for public input on the subject matter of this
6 chapter.

7 (38) Ensure the internal examination of Commonwealth
8 data sets for business, confidentiality, privacy and security
9 issues and the reasonable mitigation of those issues, prior
10 to the data's release for open data purposes.

11 (39) Develop and facilitate the engagement with private
12 and other public stakeholders, including, but not limited to,
13 arranging for and expediting data-sharing agreements and
14 encouraging and facilitating cooperation and substantive and
15 administrative efficiencies.

16 (40) Develop and facilitate data sharing and data
17 analytics.

18 (41) Oversee and manage the information technology
19 contracts of each State agency. The following shall apply:

20 (i) The office shall obtain, review and maintain, on
21 an ongoing basis, records of the appropriations,
22 allotments, expenditures and revenues of each State
23 agency for information technology.

24 (ii) The office shall not manage but shall
25 coordinate efforts as necessary and appropriate regarding
26 the information technology contracts of an independent
27 department, the General Assembly and its agencies or the
28 agencies of the judicial branch.

29 § 4313. Transfer of duties.

30 Upon the effective date of this section, information

1 technology functions, powers, duties, obligations and services
2 shall be transferred to and vested in the office. The following
3 shall apply:

4 (1) The chief information officer of each State agency
5 shall:

6 (i) Report directly to the director.

7 (ii) Work within the chief information officer's
8 respective State agency on behalf of the office as an
9 employee of the office.

10 (2) The salary and costs related to the chief
11 information officer of each State agency shall be paid by the
12 chief information officer's respective State agency from
13 funds appropriated for general government operations.

14 (3) The following shall apply for an employee of a State
15 agency who handles or otherwise has responsibility for the
16 State agency's information technology services:

17 (i) Except as provided in subparagraph (ii), the
18 employee shall be transferred to the office as an
19 employee of the State agency and operate in the physical
20 location of the State agency, but the employee shall
21 report matters to the office and be supervised by the
22 office.

23 (ii) Subparagraph (i) shall not apply to an employee
24 who handles proprietary information technology programs.
25 The employee shall remain an employee of the State agency
26 and shall coordinate with the office.

27 § 4314. Director.

28 (a) Appointment and salary.--The secretary shall appoint the
29 director and set the salary of the director.

30 (b) Qualifications.--The director shall be qualified by

1 education and experience for the office.

2 (c) Duties.--In addition to other duties specified under
3 this chapter, the director shall:

4 (1) Manage the operations of the office.

5 (2) Develop and administer a comprehensive long-range
6 plan to ensure the proper management of the Commonwealth's
7 information technology resources.

8 (3) Set technical standards for information technology
9 and review and approve information technology projects and
10 budgets.

11 (4) Establish information technology security standards.

12 (5) Provide for the procurement of information
13 technology resources.

14 (6) Develop a schedule for the replacement or
15 modification of information technology systems.

16 (7) Require and review reports by each State agency
17 concerning information technology assets, systems, personnel
18 and projects and prescribe the form of the reports.

19 (8) Prescribe the manner in which information technology
20 assets, systems and personnel shall be provided and
21 distributed among State agencies.

22 (9) Prescribe the manner of inspecting or testing
23 information technology assets, systems or personnel to
24 determine compliance with information technology plans,
25 specifications and requirements.

26 (10) Hire personnel as necessary to perform the
27 functions of the office.

28 § 4315. Planning and financing information technology
29 resources.

30 (a) Development of policies.--The director shall develop

1 necessary policies for State agency information technology
2 planning and financing to achieve the purposes of this chapter.

3 (b) Development of plan.--

4 (1) The director shall analyze the information
5 technology systems and develop a plan to ascertain the needs,
6 costs and time frame required for State agencies to
7 efficiently use information technology systems, resources,
8 security and data management to achieve the purposes of this
9 chapter. The plan may include current applications and
10 infrastructure, migration from current environments and other
11 information necessary for fiscal or technology planning.

12 (2) The director shall develop strategic plans for
13 information technology as necessary.

14 (c) Consultation and cooperation.--

15 (1) In determining whether a strategic plan is necessary
16 for a State agency, the director shall consider the State
17 agency's operational needs, functions and performance
18 capabilities.

19 (2) The director shall consult with and assist State
20 agencies in the preparation of plans under this subsection.

21 (3) Each State agency shall actively participate in
22 preparing, testing and implementing an information technology
23 plan as determined by the director. A State agency shall
24 provide all financial information to the director necessary
25 to determine full costs and expenditures for information
26 technology assets, including resources provided by the State
27 agency or through contracts or grants.

28 (4) Each State agency shall prepare and submit plans as
29 required by the director.

30 (5) A plan by a State agency shall be submitted to the

1 director no later than October 1 of each even-numbered year.

2 (d) Biennial plan.--

3 (1) The director shall develop a biennial State
4 Information Technology Plan, which shall be transmitted to
5 the General Assembly in conjunction with the Governor's
6 budget submission that year.

7 (2) The biennial plan shall include:

8 (i) An inventory of current information technology
9 assets and major projects.

10 (ii) An inventory of significant unmet needs for
11 information technology resources over a five-year time
12 period, along with a ranking of the unmet needs in
13 priority order according to their urgency.

14 (iii) A statement of the financial requirements,
15 together with a recommended funding schedule for major
16 projects in progress or anticipated for approval during
17 the upcoming fiscal biennium.

18 (iv) An analysis of opportunities for Statewide
19 initiatives that would yield significant efficiencies or
20 improve effectiveness in State programs.

21 (3) As used in this subsection, the term "major project"
22 includes a project costing more than \$500,000 to implement.

23 § 4316. Information Technology Fund.

24 (a) Establishment.--An account is established in the General
25 Fund to be known as the Information Technology Fund.

26 (b) Receipt of money.--The fund may receive money for the
27 operations of the office and to fulfill the duties of the office
28 under this chapter by the following methods:

29 (1) The transfer of encumbered funds from each State
30 agency which were designated for information technology

1 purposes prior to the effective date of this section.

2 (2) Transfers as authorized by the General Assembly that
3 are not already provided for under this section.

4 (3) The transfer of a portion of a State agency's funds
5 regarding general government operations for information
6 technology employees.

7 (c) Use of fund money.--

8 (1) Subject to paragraph (2), the director shall approve
9 the disbursement of money from the fund, which shall be used
10 for the following purposes and other legitimate purposes:

11 (i) Project management.

12 (ii) Security.

13 (iii) E-mail operations.

14 (iv) State portal operations.

15 (2) Expenditures made from the fund which involve money
16 appropriated from the General Fund shall be approved by the
17 director.

18 § 4317. Financial accountability and information technology.

19 (a) Development of processes.--The office, along with the
20 Secretary of the Budget and the State Treasurer, shall develop
21 processes for budgeting and accounting of expenditures for
22 information technology operations, services, projects,
23 infrastructure and assets across all State agencies.

24 (b) Included information.--The budgeting and accounting
25 processes under subsection (a) may include information regarding
26 the following:

27 (1) Hardware.

28 (2) Software.

29 (3) Personnel.

30 (4) Training.

1 (5) Contractual services.

2 (6) Other items relevant to information technology.

3 (c) Reports.--By February 1 of each year, the director shall
4 also report to the General Assembly the following information:

5 (1) Services currently provided and associated
6 transaction volumes or other relevant indicators of
7 utilization by user type.

8 (2) New services added during the previous year.

9 (3) The total appropriation for each service.

10 (4) The total amount remitted to the vendor for each
11 service.

12 (5) Any other use of State data by the vendor and the
13 total amount of revenue collected per use and in total.

14 (6) User satisfaction with each service.

15 (7) Any other issues associated with the provision of
16 each service.

17 (d) Financial information.--The director shall, at a
18 minimum, include in the report under subsection (c) the
19 following financial information:

20 (1) Current budgetary balances for the fund and each
21 information technology project.

22 (2) Line-item details on expenditures.

23 (3) Anticipated expenditures for the next three years.

24 (4) The financial activities of the fund, including fund
25 expenditures, during the immediately prior fiscal year.

26 (e) Issuance.--In addition to the General Assembly, a report
27 under subsection (c) shall be submitted to the following:

28 (1) The Secretary of the Budget.

29 (2) The Independent Fiscal Office.

30 (3) The General Assembly.

1 § 4318. Statewide electronic portal and annual report.

2 The office shall develop and operate a Statewide electronic
3 portal to increase the convenience of the public in conducting
4 online transactions with and obtaining information from State
5 government. The portal shall be designed to facilitate and
6 improve public interactions along with communications between
7 State agencies.

8 § 4319. Budget for information technology.

9 The office, along with the Secretary of the Budget, shall
10 develop and implement a plan to manage all information
11 technology funding, including State and other receipts, as soon
12 as practicable. As part of the plan and implementation, the
13 following shall apply:

14 (1) Funding for information technology resources,
15 projects and contracts shall be appropriated to and managed
16 by the office.

17 (2) Funding for the office's information technology
18 shared services and approved contracts shall remain with the
19 State agencies.

20 (3) Information technology budget codes and fund codes
21 shall be created as required.

22 § 4320. Commonwealth portal.

23 Each State agency shall functionally link its Internet or
24 electronic services to a centralized web portal system
25 established under this chapter.

26 § 4321. Information technology request.

27 A State agency may request significant resources, as defined
28 by the director, for the purpose of acquiring, operating or
29 maintaining information technology for the State agency. In
30 addition to other information that may be required by the

1 director, the State agency shall submit the following to
2 accompany the request:

3 (1) A statement setting forth the following:

4 (i) The needs of the State agency for information
5 technology and related resources, including expected
6 improvements to programmatic or business operations.

7 (ii) The requirements for State resources, together
8 with an evaluation of those requirements by the chief
9 information officer assigned to the State agency which
10 takes into consideration the following:

11 (A) The State's current technology.

12 (B) The opportunities for technology sharing.

13 (C) Any other factors relevant to the analysis
14 by the director.

15 (2) A review and evaluation of the statement under
16 paragraph (1) which is prepared by the chief information
17 officer assigned to the State agency.

18 (3) In cases of an acquisition, an explanation of the
19 method by which the acquisition is to be financed.

20 (4) A statement by the chief information officer
21 assigned to the State agency which sets forth viable
22 alternatives, if any, for meeting the State agency needs in
23 an economical and efficient manner.

24 § 4322. Status of information technology projects and
25 corrective action plans.

26 (a) Portal.--Within one year of the effective date of this
27 section, the director shall develop a web-based portal detailing
28 the status of each of the Commonwealth's information technology
29 projects. The portal shall include the following:

30 (1) A brief summary of each information technology

1 project.

2 (2) The approved budget of each project.

3 (3) The total and percent of the project's approved
4 budget which has been expended by the agency based on the end
5 balance from the prior business day, along with a color
6 designation as follows:

7 (i) If an information technology project is under
8 the project's approved budget, the project shall be
9 designated as the color green.

10 (ii) If an information technology project is over
11 the project's approved budget, the project shall be
12 designated as the color red.

13 (4) The completion date in the original contract along
14 with the total percent of work for the project that has been
15 completed, along with a color designation as follows:

16 (i) If an information technology project has not
17 exceeded the completion date in the original contract,
18 the project shall be designated as green.

19 (ii) If an information technology project has
20 exceeded the completion date in the original contract,
21 the project shall be designated as red.

22 (5) A summary of the scope of work, along with a color
23 designation as follows:

24 (i) If an information technology project is meeting
25 the scope of work in the original contract, the project
26 shall be designated as the color green.

27 (ii) If an information technology project is not
28 meeting the scope of work in the original contract, the
29 project shall be designated as the color red.

30 (6) A summary of the performance requirements of the

1 contract, along with a color designation as follows:

2 (i) If an information technology project is meeting
3 the performance requirements in the original contract,
4 the project shall be designated as the color green.

5 (ii) If an information technology project is not
6 meeting the performance measures in the original
7 contract, the project shall be designated as the color
8 red.

9 (b) Notification.--The following shall apply:

10 (1) Upon determining that an information technology
11 project will be designated red, the director shall notify the
12 Governor's Office, the Independent Fiscal Office and the
13 General Assembly.

14 (2) Upon being notified that the information technology
15 project is designated as red, the director shall develop a
16 corrective action plan to ensure that the information
17 technology project moves back to green status.

18 (3) The corrective action plan shall be finalized within
19 20 days from the notification. The finalized corrective
20 action plan shall be sent to the General Assembly, the
21 Independent Fiscal Office and the Auditor General.

22 SUBCHAPTER C

23 PROCUREMENT AND BUSINESS OPERATIONS

24 Sec.

25 4331. Reporting requirements regarding procurement.

26 4332. Business continuity planning.

27 4333. Information technology operations.

28 4334. Communications services.

29 4335. Project approval standards.

30 4336. Project management standards.

1 4337. Dispute resolution.

2 4338. Procurement of information technology.

3 4339. Contractor verification.

4 4340. Review and approval of contracts.

5 4341. Purchase of certain equipment prohibited.

6 4342. Refurbished computer equipment purchasing program.

7 4343. Data on reliability and other matters.

8 § 4331. Reporting requirements regarding procurement.

9 (a) Bids.--A vendor submitting a bid or proposal shall
10 disclose in a statement, provided contemporaneously with the bid
11 or proposal, where services will be performed under the contract
12 sought, including any subcontracts, and whether any services
13 under that contract, including any subcontracts, are anticipated
14 to be performed outside the United States.

15 (b) Retention and reports.--The director shall:

16 (1) retain the statements required by this section
17 regardless of the State agency that awards the contract; and

18 (2) report annually to the secretary on the number of
19 contracts.

20 (c) Records of purchases.--Each State agency which makes a
21 purchase of information technology through the office shall
22 report directly to the director, who shall keep annual records
23 of information technology purchases.

24 (d) Effect of section.--Nothing in this section is intended
25 to contravene any existing treaty, law, agreement or regulation
26 of the United States.

27 § 4332. Business continuity planning.

28 (a) Oversight.--The director shall oversee the manner and
29 means by which information technology business and disaster
30 recovery plans for State agencies are created, reviewed and

1 updated.

2 (b) Disaster recovery planning team.--Each State agency
3 shall establish a disaster recovery planning team to work with
4 the office to develop the disaster recovery plan and administer
5 and implement the plan.

6 (c) Components of plan.--In developing a disaster recovery
7 plan, all of the following shall be completed:

8 (1) Consideration of the organizational, managerial and
9 technical environments in which the plan must be implemented.

10 (2) An assessment of the types and likely parameters of
11 disasters most likely to occur and the resultant impacts on
12 the State agency's ability to perform its mission.

13 (3) The listing of the protective measures to be
14 implemented in anticipation of a natural or manmade disaster.

15 (4) A determination whether the plan is adequate to
16 address information technology security incidents.

17 (d) Submittal.--Each State agency shall submit its disaster
18 recovery plan to the director on an annual basis and as
19 otherwise requested by the director.

20 § 4333. Information technology operations.

21 (a) Functions.--In addition to other functions authorized or
22 required by this chapter, the office shall do the following:

23 (1) Establish and operate centers of expertise for
24 specific information technologies and services to serve two
25 or more State agencies on a cost-sharing basis, if the
26 director, after consultation with the Budget Office, decides
27 it is advisable from the standpoint of efficiency and economy
28 to establish these centers and services.

29 (2) Require a State agency served to transfer to the
30 department ownership, custody or control of information

1 processing equipment, supplies and positions required by the
2 shared centers and services.

3 (3) Adopt plans, policies and procedures for the
4 acquisition, management and use of information technology
5 resources in State agencies to facilitate more efficient and
6 economic use of information technology in the State agencies.

7 (4) Develop and promote training programs to efficiently
8 implement, use and manage information technology resources
9 throughout State government.

10 (b) Confidentiality.--No data of a confidential nature shall
11 be entered into or processed through an information technology
12 system or network established under this chapter until
13 appropriate safeguards and other security measures are approved
14 by the director and installed and fully operational.

15 (c) Cost sharing.--Notwithstanding any other provision of
16 law, the office shall provide information technology services on
17 a cost-sharing basis to:

18 (1) An independent department as requested by the head
19 of the independent department.

20 (2) The General Assembly and its agencies as requested
21 by the President pro tempore of the Senate and the Speaker of
22 the House of Representatives.

23 (3) The judicial branch as requested by the Chief
24 Justice.

25 (d) Estimates and actual expenditures.--Each State agency
26 shall furnish to the director upon request and on forms
27 prescribed:

28 (1) estimates of all information technology goods and
29 services needed and required by the State agency; and

30 (2) actual expenditures for all information technology

1 goods and services needed and required by the State agency
2 for the periods after the expenditures have been made.

3 § 4334. Communications services.

4 The director shall exercise authority for telecommunications
5 and other communications included in information technology
6 relating to the internal management and operations of a State
7 agency. In discharging this responsibility, the director shall:

8 (1) Provide for the establishment, management and
9 operation, through State ownership, by contract or through
10 commercial leasing, of the following systems and services as
11 they affect the internal management and operation of State
12 agencies:

13 (i) Central telephone systems and telephone
14 networks, including Voice over Internet Protocol and
15 commercial mobile radio systems.

16 (ii) Satellite services.

17 (iii) Closed-circuit television systems.

18 (iv) Two-way radio systems.

19 (v) Microwave systems.

20 (vi) Related systems based on telecommunication
21 technologies.

22 (vii) Broadband.

23 (2) Coordinate the development of cost-sharing systems
24 for respective State agencies for their proportionate parts
25 of the cost of maintenance and operation of the systems and
26 services listed in this section.

27 (3) Assist in the development of coordinated
28 telecommunications services or systems within and among all
29 State agencies and recommend, where appropriate, cooperative
30 utilization of telecommunication facilities by aggregating

1 users.

2 (4) Perform traffic analysis and engineering for all
3 telecommunications services and systems listed in this
4 section.

5 (5) Establish telecommunications specifications and
6 designs so as to promote and support compatibility of the
7 systems within State agencies.

8 (6) Provide every three years an inventory of
9 telecommunications costs, facilities, systems and personnel
10 within State agencies.

11 (7) Promote, coordinate and assist in the design and
12 engineering of emergency telecommunications systems,
13 including, but not limited to, the 911 emergency telephone
14 number program, emergency medical services, and other
15 emergency telecommunications services.

16 (8) Perform frequency coordination and management for
17 State agencies and municipalities, including all public
18 safety radio service frequencies, in accordance with the
19 rules and regulations of the Federal Communications
20 Commission or any successor Federal agency.

21 (9) Advise all State agencies on telecommunications
22 management planning and related matters and provide
23 opportunities for training to users within State agencies in
24 telecommunications technology and systems.

25 (10) Assist and coordinate the development of policies
26 and long-range plans, consistent with the protection of
27 residents' rights to privacy and access to information, for
28 the acquisition and use of telecommunications systems. All
29 policies and plans shall be based on current information
30 about the Commonwealth's telecommunications activities in

1 relation to the full range of emerging technologies.

2 § 4335. Project approval standards.

3 (a) Review and approval.--The director shall review all
4 proposed information technology projects for each State agency.
5 Project approval may be granted upon the director's
6 determination that:

7 (1) the project conforms to project management
8 procedures and policies and to procurement rules and
9 policies; and

10 (2) sufficient funds are available for implementation.

11 (b) Implementation.--Unless expressly exempt within this
12 chapter, no State agency shall proceed with an information
13 technology project until the director approves the project.

14 (c) Disapproval.--If a project is not approved, the director
15 shall specify in writing the grounds for the disapproval no
16 later than 15 business days after making the determination. The
17 director shall provide notice of the disapproval, along with the
18 grounds for the disapproval, to all of the following:

19 (1) The State agency.

20 (2) The Secretary of the Budget.

21 (3) The Independent Fiscal Office.

22 (4) The General Assembly.

23 (d) Suspension.--

24 (1) The director may suspend an information technology
25 project if the project:

26 (i) fails to meet the applicable quality assurance
27 standards;

28 (ii) has exceeded its projected costs; or

29 (iii) has failed to meet its projected completion
30 date.

1 (2) If the director suspends a project for a reason
2 under paragraph (1), the director shall specify in writing
3 the grounds for suspending the project no later than five
4 business days after making the determination. The director
5 shall provide notice of the suspension, along with the
6 grounds for suspension, to all of the following:

7 (i) The State agency.

8 (ii) The Independent Fiscal Office.

9 (iii) The Auditor General.

10 (iv) The Secretary of the Budget.

11 (v) The State Treasurer.

12 (vi) The General Assembly.

13 (3) After a project has been suspended, the State
14 Treasurer may not allow the transfer of money from the State
15 agency to further implement the project unless the director
16 approves an amended version of the plan for the project.

17 (4) If a State agency attempts to continue to implement
18 a project that is no longer approved by the director and
19 expend additional money for the project, the State Treasurer
20 shall prevent the transfer of funds and remit the intended
21 expenditures into the fund. After remitting the unauthorized
22 expenditure, the State Treasurer shall immediately notify the
23 following:

24 (i) The director.

25 (ii) The Governor.

26 (iii) The Secretary of the Budget.

27 (iv) The General Assembly.

28 (e) Quality assurance.--Information technology projects
29 authorized under this chapter shall meet all project standards
30 and requirements established under this chapter.

1 (f) Performance contracting.--All contracts between a State
2 agency and a private party for information technology projects
3 shall include provisions for vendor performance review and
4 accountability, contract suspension or termination and
5 termination of funding.

6 (g) Contract provisions.--

7 (1) The director may require the following contract
8 provisions:

9 (i) A performance bond.

10 (ii) Monetary penalties.

11 (iii) Other performance assurance measures for
12 projects that are not completed within the specified time
13 period or that involve costs in excess of those specified
14 in the contract.

15 (2) Notwithstanding the provisions under paragraph (1)
16 which are included in the contract, the director shall have
17 the authority to suspend the project that is the basis of the
18 contract.

19 (h) Cost savings.--The director may utilize cost savings
20 realized on government vendor partnerships as performance
21 incentives for an information technology vendor.

22 (i) Use of experts.--

23 (1) Notwithstanding any other provision of this chapter
24 to the contrary, the director may require a State agency to
25 engage the services of private counsel or other experts with
26 information technology and intellectual property expertise on
27 a particular subject matter if the State agency is developing
28 and implementing an information technology project with a
29 total cost of ownership in excess of \$5,000,000.

30 (2) At the director's discretion, the private counsel or

1 other expert under paragraph (1) may:

2 (i) Review requests for proposals or invitation for
3 bids.

4 (ii) Review and provide advice and assistance during
5 the evaluation of proposals or bids and selection of
6 contractors.

7 (iii) Review and negotiate contracts associated with
8 the development, implementation, operation and
9 maintenance of the project.

10 (3) At the director's discretion, the requirement under
11 paragraph (1) may also apply to information technology
12 programs that are separated into individual projects, if the
13 total cost of ownership for the overall program exceeds
14 \$5,000,000.

15 § 4336. Project management standards.

16 (a) Personnel.--Each State agency shall provide personnel if
17 necessary to participate in project management, implementation,
18 testing and other activities for an information technology
19 project.

20 (b) Policies.--The director shall develop office policies
21 for implementing an approved project, whether the project is
22 undertaken in single or multiple phases or components.

23 (c) Project management assistant.--

24 (1) The director may designate a project management
25 assistant to implement an information technology project of a
26 State agency.

27 (2) A project management assistant for a State agency
28 shall:

29 (i) Advise the State agency regarding the initial
30 planning of an information technology project, the

1 content and design of a request for proposals, contract
2 development, procurement and architectural and other
3 technical reviews.

4 (ii) Monitor progress in the development and
5 implementation of an information technology project.

6 (iii) Provide status reports to the State agency and
7 the director, including recommendations regarding
8 continued approval of an information technology project.

9 (3) Personnel of the State agency to which a project
10 management assistant is designated shall provide periodic
11 reports to the project management assistant regarding an
12 information technology project. Each report shall include
13 information regarding the following:

14 (i) The State agency's business requirements.

15 (ii) Applicable laws and regulations.

16 (iii) Project costs.

17 (iv) Issues related to hardware, software or
18 training.

19 (v) Projected and actual completion dates for the
20 project.

21 (vi) Any other information related to the
22 implementation of the project.

23 § 4337. Dispute resolution.

24 (a) Right to request for review.--If the director has
25 disapproved or suspended an information technology project or
26 has disapproved a State agency's request for an amended version
27 of the plan for the project, the affected State agency may
28 request the director to revisit the determination about the
29 project. The request for review shall be submitted in writing to
30 the director within 15 business days following the State

1 agency's receipt of the disapproval or suspension.

2 (b) Contents of request for review.--A request for review
3 under subsection (a) shall specify the grounds for the State
4 agency's disagreement with the director's determination. The
5 State agency shall include with its request a plan to modify the
6 project to meet the director's concerns.

7 (c) Notification.--

8 (1) Within 30 days after initial receipt of a State
9 agency's request for review, the director shall notify the
10 State agency whether or not the project, as modified, may be
11 implemented.

12 (2) If the director approves the implementation of a
13 modified project by a State agency, the director shall notify
14 the State Treasurer and the Secretary of the Budget
15 immediately.

16 § 4338. Procurement of information technology.

17 (a) General duty of office.--Notwithstanding any other
18 provision of law, the office shall procure all information
19 technology for State agencies utilizing the processes under 62
20 Pa.C.S. Ch. 5 (relating to source selection and contract
21 formation). The office shall integrate technological review,
22 cost analysis and procurement for all information technology
23 needs of State agencies to make procurement and implementation
24 of technology more responsive, efficient and cost-effective.

25 (b) Specific duties of office.--Subject to the provisions of
26 this chapter and consistent with the processes enacted under 62
27 Pa.C.S. Ch. 5, the office shall have the authority and
28 responsibility to:

29 (1) Purchase or contract for all information technology
30 for State agencies.

1 (2) Establish processes, specifications and standards
2 which shall apply to all information technology to be
3 purchased, licensed or leased by State agencies.

4 (3) Establish processes, specifications and standards
5 relating to information technology services contract
6 requirements for State agencies.

7 (4) Utilize the purchasing benchmarks established by the
8 director.

9 (5) Provide strategic sourcing resources and planning to
10 compile and consolidate all estimates of information
11 technology goods and services needed and required by State
12 agencies.

13 (6) Reduce the size of information technology projects
14 to ensure that the projects are manageable and meet initial
15 estimates for project costs and completion dates.

16 (7) Ensure that projects utilize problem-based
17 procurement. As used in this paragraph, the term "problem-
18 based procurement" means a request for bids by a State agency
19 for an information technology project which details the
20 information technology needs of the State agency and solicits
21 proposals by bidders regarding how to best meet those needs.

22 (c) Confidentiality.--

23 (1) Subject to paragraph (2), contract information
24 compiled by the office shall be made a matter of public
25 record after the award of contract.

26 (2) Trade secrets, test data and similar proprietary
27 information and security information protected from
28 disclosure under Federal or State law shall remain
29 confidential.

30 (d) Electronic procurement.--The office may authorize the

1 use of an electronic procurement system to conduct a reverse
2 auction and electronic bidding. The following apply:

3 (1) The vendor's price may be revealed during the
4 reverse auction.

5 (2) The office may contract with a third-party vendor to
6 conduct the reverse auction.

7 (3) Offers or bids may be accepted and contracts may be
8 entered by use of electronic bidding.

9 (4) All requirements relating to formal and competitive
10 bids, including advertisement, seal and signature, are
11 satisfied when a procurement is conducted or a contract is
12 entered in compliance with the reverse auction or electronic
13 bidding requirements established by the office.

14 (e) Bulk purchasing.--

15 (1) The director shall establish procedures for the
16 procurement of information technology through bulk purchases.
17 The procedures may include the following:

18 (i) The aggregation of hardware purchases.

19 (ii) The use of formal bid procedures.

20 (iii) Restrictions on supplemental staffing.

21 (iv) Enterprise software licensing, hosting and
22 multiyear maintenance agreements.

23 (2) The director may require State agencies to submit
24 information technology procurement requests to the department
25 on October 1, January 1 and June 1, or another regularly
26 occurring schedule, of each fiscal year in order to allow for
27 bulk purchasing.

28 (f) Most advantageous offer.--All bids or offers to
29 contract, whether through competitive sealed bidding or other
30 procurement method under 62 Pa.C.S. Ch. 5, shall be subject to

1 evaluation and selection by acceptance of the most advantageous
2 offer to the Commonwealth.

3 (g) Considerations.--Evaluation of an information technology
4 purchase shall take into consideration the following factors:

5 (1) The best value of the purchase.

6 (2) Compliance with information technology project
7 management policies.

8 (3) Compliance with information technology security
9 standards and policies.

10 (4) Substantial conformity with the specifications and
11 other conditions set forth in the solicitation.

12 (h) Exceptions.--In addition to permitted waivers of
13 competition, the requirements of competitive bidding shall not
14 apply to information technology contracts and procurements:

15 (1) in the case of a pressing need or an emergency
16 arising from an information technology security incident; or

17 (2) in the use of master licensing or purchasing
18 agreements governing the office's acquisition of proprietary
19 intellectual property.

20 (i) Award by director.--The director may award a cost plus
21 percentage of cost contract for information technology projects.
22 As needed, the director shall report the cost plus percentage of
23 cost contract to the following:

24 (1) The Secretary of the Budget.

25 (2) The Auditor General.

26 (3) The General Assembly.

27 § 4339. Contractor verification.

28 (a) General rule.--A contract for professional or technical
29 services in which the cost to the Commonwealth exceeds \$100,000
30 shall require a contractor working with a State agency on a

1 project to use software that verifies that the hours billed on a
2 contract with the State agency are valid and fulfill the purpose
3 of the contract.

4 (b) Contract specifications.--A contract shall specify that
5 a State agency may not pay for hours worked on a project that
6 are performed on a computer unless the hours can be verified
7 through the use of the software or data collected by the
8 software.

9 (c) Software requirements.--The software incorporated by a
10 contractor to meet the requirements of this section shall:

11 (1) Permit the State agency or an auditor of the State
12 agency to have real-time or retroactive access to data
13 collected by the software.

14 (2) Automatically capture a screenshot of activity as
15 follows:

16 (i) The software shall capture a screenshot at least
17 once every three minutes.

18 (ii) A screenshot shall be made available for review
19 by the State agency or an auditor of the State agency in
20 real-time and retroactively.

21 (iii) Track total keystroke and mouse event
22 frequency.

23 (iv) Be procured by the contractor from an
24 independent entity.

25 (3) Provide the State agency or an auditor of the State
26 agency an automated real-time cost status of each task
27 relating to the contract.

28 (4) Provide the State agency professional biographical
29 information that is not private or confidential on
30 individuals performing tasks under the contract.

1 (5) Protect all data that is private or confidential on
2 individuals consistent with Pennsylvania law.

3 (6) Permit the State agency to provide immediate
4 feedback to the contractor on work in progress under the
5 contract.

6 (d) Data storage.--The contractor shall store, or contract
7 to store, the data collected by the software required under this
8 section for a period of no less than seven years after the State
9 agency has remitted payment to the contractor for work under the
10 contract.

11 (e) Requests for data.--Data collected by the software
12 during the contract period shall not be considered government
13 data and the contractor shall retrieve the data upon request of
14 the State agency, in the format requested by the State agency,
15 at any time during the seven-year period.

16 (f) Charge prohibited.--The contractor may not charge the
17 State agency or an auditor of the State agency for access to or
18 use of the software or for access to or retrievals of data
19 collected by the software.

20 § 4340. Review and approval of contracts.

21 (a) Submittal to director.--When the dollar value of a
22 proposed contract for the procurement of information technology
23 equipment, materials or supplies exceeds the benchmark
24 established under this chapter or by the director, a State
25 agency shall submit the proposed contract to the director for
26 review and approval or other action deemed appropriate by the
27 director.

28 (b) Considerations.--The director shall determine whether
29 the proposed contract under subsection (a) ensures compliance
30 with the established processes, specifications and standards

1 applicable to the information technology purchased, licensed or
2 leased in this Commonwealth, including established procurement
3 processes.

4 (c) Determination.--The director shall promptly notify the
5 State agency of the determination regarding the proposed
6 contract under subsection (a).

7 (d) Notification.--For contract awards greater than
8 \$100,000, the director shall provide updates on an annual basis
9 to the General Assembly.

10 § 4341. Purchase of certain equipment prohibited.

11 (a) Determination.--A State agency may not purchase
12 information technology equipment or televisions, or enter into a
13 contract with any manufacturer, unless the director determines
14 that the purchase or contract is in compliance with the
15 requirements under this chapter and existing State law regarding
16 the procurement of information technology equipment and
17 televisions.

18 (b) Findings.--If the director determines that a purchase or
19 contract is not in compliance with the requirements under this
20 chapter or existing State law regarding the procurement of
21 information technology equipment and televisions, the director
22 shall issue written findings regarding the noncompliance to the
23 State agency.

24 § 4342. Refurbished computer equipment purchasing program.

25 (a) Option.--The office shall offer a State agency the
26 option of purchasing refurbished computer equipment from
27 registered computer equipment refurbishers whenever most
28 appropriate to meet the respective needs of the State agency.

29 (b) Savings.--A State agency shall document any savings
30 resulting from the purchase of refurbished computer equipment,

1 including, but not limited to, the initial acquisition cost and
2 operations and maintenance costs. The savings shall be reported
3 annually to:

4 (1) The director.

5 (2) The General Assembly.

6 (c) Requirements.--Participating computer equipment
7 refurbishers shall meet all existing procurement requirements
8 established by the office.

9 § 4343. Data on reliability and other matters.

10 (a) Maintenance of data.--The office shall maintain data on
11 equipment reliability, potential cost savings and matters
12 associated with the refurbished computer equipment purchasing
13 program.

14 (b) Report.--The office shall transmit a report regarding
15 the matters under subsection (a) by February 1 of the year
16 following the effective date of this section and quarterly
17 thereafter to:

18 (1) The General Assembly.

19 (2) The Independent Fiscal Office.

20 (3) The Secretary of the Budget.

21 SUBCHAPTER D

22 SECURITY

23 Sec.

24 4351. Statewide security standards.

25 4352. Security standards and risk assessments.

26 4353. Assessment of compliance with security standards.

27 4354. Joint Cybersecurity Oversight Committee.

28 § 4351. Statewide security standards.

29 (a) Establishment.--

30 (1) The director shall establish a Statewide set of

1 standards for information technology security to maximize the
2 functionality, security and interoperability of the
3 Commonwealth's distributed information technology assets,
4 including:

5 (i) Data classification.

6 (ii) Management.

7 (iii) Communications.

8 (iv) Encryption technologies.

9 (2) The standards under this subsection shall conform to
10 the industry's best practices and standards regarding
11 information technology security.

12 (b) Review and revision.--The director shall review and
13 revise the security standards annually as necessary. As part of
14 this function, the director shall review periodically existing
15 security standards and practices in place among the various
16 State agencies to determine whether those standards and
17 practices meet Statewide security and encryption requirements.

18 (c) Assumption of responsibilities.--The director may assume
19 the direct responsibility of providing for the information
20 technology security of a State agency that fails to adhere to
21 security standards adopted under this chapter.

22 § 4352. Security standards and risk assessments.

23 (a) Standards.--Notwithstanding any other provision of law
24 and except as otherwise provided by this chapter, all
25 information technology security goods, software or services
26 purchased using taxpayer money, or for use by a State agency or
27 in a public facility, shall be subject to approval by the
28 director in accordance with security standards under this
29 chapter.

30 (b) Assessments.--The director shall conduct risk

1 assessments to identify compliance and operational and strategic
2 risks to the information technology network. The following shall
3 apply:

4 (1) The assessments may include methods such as
5 penetration testing or similar assessment methodologies.

6 (2) The director may contract with another party to
7 perform the assessments.

8 (3) Detailed reports of the risk and security issues
9 identified in the assessments shall be kept confidential.

10 (c) Security audit.--The director shall contract with a
11 Federal Government entity or a third party that is nationally
12 recognized to perform a security audit of a State agency's
13 information technology system. The following shall apply:

14 (1) The director shall determine a schedule for State
15 agency security audits.

16 (2) The audit of a State agency shall be paid from
17 encumbered funds of the State agency.

18 (d) Notification and approval.--Before a State agency may
19 enter into a contract with another party for an assessment of
20 network vulnerability, the State agency shall notify the
21 director and obtain approval of the request. The following shall
22 apply:

23 (1) The party conducting the assessment shall provide
24 the State agency with a detailed report of the security
25 issues identified, which shall not be publicly disclosed.

26 (2) The State agency shall provide the director with
27 copies of the detailed report under paragraph (1), which
28 shall not be publicly disclosed.

29 (3) The State agency shall issue a public report on the
30 general results of the assessment.

1 (e) Effect of section.--Nothing in this section shall be
2 construed to preclude the Auditor General or the General
3 Assembly from assessing the security practices of State
4 information technology systems as part of its statutory duties
5 and responsibilities.

6 § 4353. Assessment of compliance with security standards.

7 (a) Frequency.--The director shall biannually assess the
8 ability of each State agency and each State agency's contracted
9 vendors to comply with the current security standards
10 established under this chapter.

11 (b) Contents.--The assessment under this section shall
12 include, at a minimum, the following:

13 (1) The rate of compliance with the current security
14 standards.

15 (2) An assessment of security organization, security
16 practices, security information standards, network security
17 architecture and current expenditures of State funds for
18 information technology security.

19 (3) An estimate of the cost to implement the security
20 measures needed for State agencies to fully comply with the
21 established standards.

22 (c) Submittal of information.--Each State agency shall
23 submit information required by the director for the assessments
24 under this section.

25 § 4354. Joint Cybersecurity Oversight Committee.

26 (a) Establishment and membership.--The Joint Cybersecurity
27 Oversight Committee is established and shall consist of the
28 following members:

29 (1) The director.

30 (2) The following individuals appointed by the President

1 pro tempore of the Senate:

2 (i) Three members of the Senate.

3 (ii) A representative from the information
4 technology office of the majority caucus of the Senate.

5 (3) The following individuals appointed by the Minority
6 Leader of the Senate:

7 (i) Two members of the Senate.

8 (ii) A representative from the information
9 technology office of the minority caucus of the Senate.

10 (4) The following individuals appointed by the Speaker
11 of the House of Representatives:

12 (i) Three members of the House of Representatives.

13 (ii) A representative from the information
14 technology office of the majority caucus of the House of
15 Representatives.

16 (5) The following individuals appointed by the Minority
17 Leader of the House of Representatives:

18 (i) Two members of the House of Representatives.

19 (ii) A representative from the information
20 technology office of the minority caucus of the House of
21 Representatives.

22 (6) The Attorney General or a designee of the Attorney
23 General.

24 (7) The chief information officer of:

25 (i) The Department of the Auditor General.

26 (ii) The Treasury Department.

27 (iii) The Office of Attorney General.

28 (iv) The Administrative Office of Pennsylvania
29 Courts.

30 (v) The Pennsylvania Public Utility Commission.

1 (8) Four private citizens appointed by the Governor with
2 professional cyber security experience.

3 (9) The Commissioner of the Pennsylvania State Police or
4 a designee of the commissioner.

5 (b) Chairperson and vice chairperson.--The chairperson of
6 the committee shall be appointed by the Governor and the vice
7 chairperson of the committee shall be appointed by the
8 chairperson.

9 (c) Staffing.--The committee shall be staffed by the office,
10 which shall support and assist the committee.

11 (d) Service of members.--Each member of the committee shall
12 serve at the pleasure of the individual who appointed the
13 member.

14 (e) Vacancies.--A vacancy in the membership of the committee
15 shall be filled by the appointing authority in the same manner
16 as the original appointment.

17 (f) Meetings.--

18 (1) The committee shall meet at least on a quarterly
19 basis and no later than the first Thursday of each quarter.

20 (2) The chairperson of the committee, with the consent
21 of the vice chairperson of the committee, may schedule
22 additional meetings of the committee.

23 (3) The chairperson of the committee shall provide the
24 members of the committee with notice of the time and location
25 of each meeting of the committee no later than one week prior
26 to the meeting. Notice shall also be provided to the
27 Governor, the President pro tempore of the Senate and the
28 Speaker of the House of Representatives.

29 (4) Notice of the meetings of the committee shall be
30 provided by regular mail and e-mail.

1 (5) A member of the committee may participate in a
2 meeting of the committee in person, by teleconference, by
3 video conference or by other means as agreed to by the
4 chairperson and vice chairperson of the committee.

5 (6) A meeting of the committee shall not be subject to
6 65 Pa.C.S. Ch. 7 (relating to open meetings).

7 (g) Duties.--The committee shall review and coordinate
8 cybersecurity policies and discuss emerging cybersecurity
9 threats, recommended policy changes and assess current
10 cybersecurity within this Commonwealth. The report shall be
11 transmitted to:

12 (1) The Governor.

13 (2) The President pro tempore of the Senate.

14 (3) The Speaker of the House of Representatives.

15 (4) The Majority Leader and the Minority Leader of the
16 Senate.

17 (5) The Majority Leader and the Minority Leader of the
18 House of Representatives.

19 (6) The Court Administrator of Pennsylvania.

20 (h) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Committee." The Joint Cybersecurity Oversight Committee
24 established under this section.

25 SUBCHAPTER E

26 ENFORCEMENT AND PENALTIES

27 Sec.

28 4361. Administrative and judicial review.

29 4362. Unauthorized use for private benefit prohibited.

30 4363. Financial interests.

1 4364. Certification of submittal without collusion.

2 § 4361. Administrative and judicial review.

3 Actions taken by the director under this chapter shall be
4 subject to review in accordance with 2 Pa.C.S. Chs. 5 (relating
5 to practice and procedure) and 7 (relating to judicial review).

6 § 4362. Unauthorized use for private benefit prohibited.

7 (a) Offense.--It is unlawful for any person, by the use of
8 the powers, policies or procedures, to purchase, attempt to
9 purchase, procure or attempt to procure any property or services
10 for private use or benefit.

11 (b) Criminal penalties and fines.--A person that violates
12 subsection (a) commits a misdemeanor of the first degree. Upon
13 conviction, the person shall be liable to the Commonwealth to
14 repay any amount expended in violation of this chapter, together
15 with any court costs.

16 § 4363. Financial interests.

17 (a) Offense.--

18 (1) The director and any other policymaking employee of
19 the office may not have a financial interest or personal
20 beneficial interest, either directly or indirectly, in the
21 purchase of or contract for information technology. The
22 financial interest or personal interest shall extend to a
23 corporation, partnership, company, trust, association or
24 other entity furnishing information technology to the
25 Commonwealth or any of its State agencies.

26 (2) Consistent with paragraph (1), the director or other
27 policymaking employee may not accept or receive, directly or
28 indirectly, any of the following:

29 (i) Anything of monetary or other value, whether by
30 rebate, gift or otherwise.

1 (ii) A promise, obligation or contract for future
2 reward or compensation, regardless of the business or
3 nonbusiness nature of the promise, obligation or
4 contract.

5 (b) Criminal penalties.--A person that violates subsection
6 (a) commits a felony of the third degree. Upon conviction, the
7 person shall be removed from office or State employment.

8 § 4364. Certification of submittal without collusion.

9 (a) Duty.--The director shall require bidders under this
10 chapter to certify that each bid on information technology
11 contracts overseen by the office is submitted competitively and
12 without collusion.

13 (b) Grading.--A person that provides a false certification
14 under this section commits a misdemeanor of the first degree.

15 Section 2. This act shall take effect immediately.