

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1110

By: Representative S. Meeks
By: Senator J. English

For An Act To Be Entitled

AN ACT TO REQUIRE A STATE ENTITY TO REPORT A SECURITY
INCIDENT TO THE LEGISLATIVE AUDITOR; AND FOR OTHER
PURPOSES.

Subtitle

TO REQUIRE A STATE ENTITY TO REPORT A
SECURITY INCIDENT TO THE LEGISLATIVE
AUDITOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 10, Chapter 4, Subchapter 4, is amended
to add an additional section to read as follows:

10-4-429. Report of security incident – Definitions.

(a) As used in this section:

(1) "Security incident" means any unauthorized:

(A) Access to an information system of a state entity;

(B) Destruction of an information system or the data of an
information system of a state entity; or

(C) Acquisition of data from an information system that
compromises the security, confidentiality, or integrity of an information
system maintained by a state entity, a contractual provider of an information
system that contracts with a state entity, or other computer-related services
of a state entity; and

(2)(A) "State entity" means an entity of the state or a
political subdivision of the state.



1 (B) "State entity" includes without limitation a board,
2 commission, committee, advisory board, office, department, institution,
3 bureau, council, administrative program, agency, or division.

4 (b) A state entity that experiences a security incident shall disclose
5 the security incident to the Legislative Auditor within two (2) business days
6 after learning of the security incident.

7 (c)(1) If a law enforcement agency determines that a report by a state
8 entity of a security incident may impede an existing criminal investigation,
9 then the state entity may delay notification of the security incident to the
10 auditor.

11 (2) If the law enforcement agency determines that notifying the
12 auditor of the security incident will not compromise an existing criminal
13 investigation, the state entity shall report the security incident to the
14 auditor within two (2) business days after the law enforcement agency makes
15 the determination.

16 (d) The auditor shall:

17 (1) Maintain a list of all security incidents reported by a
18 state entity; and

19 (2) Annually on or before December 15, report the information
20 required by subdivision (d)(1) of this section to the Legislative Council,
21 Legislative Joint Auditing Committee, and Joint Committee on Advanced
22 Communications and Information Technology.

23 (e) If the auditor believes the security incident significantly
24 compromises citizens' data, creates a significant security concern, or
25 involves significant theft, then the auditor shall notify:

26 (1) The Governor;

27 (2) The President Pro Tempore of the Senate;

28 (3) The Speaker of the House of Representatives;

29 (4) The House and Senate cochair of the Legislative Council;

30 and

31 (5) The chairs of the Joint Committee on Advanced Communications
32 and Information Technology.

33
34 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Rules.

35 (a) The Legislative Auditor shall promulgate rules necessary to
36 implement this act.

1 (b)(1) When adopting the initial rules to implement this act, the
2 final rule shall be filed with the Secretary of State for adoption under §
3 25-15-204(f):

4 (A) On or before January 1, 2022; or

5 (B) If approval under § 10-3-309 has not occurred by
6 January 1, 2022, as soon as practicable after approval under § 10-3-309.

7 (2) The auditor shall file the proposed rule with the
8 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
9 2022, so that the Legislative Council may consider the rule for approval
10 before January 1, 2022.