



Meeting Summary
Maryland Cybersecurity Council
Subcommittee on Law, Policy, and Legislation
Friday, October 20, 2017
10:30 pm – 12:00 pm
Senate Miller Building (Neall Conference Room)
11 Bladen Street, Annapolis

Attendance

Subcommittee members attending: Senator Susan Lee, Blair Levin, Patrice Drago for Delegate Carey, Michael Greenberger, Markus Rauschecker, Howard Feldman, Joe Morales, and Jonathan Prutow.

Subcommittee members not able to attend: Paul Tiao and Pegeen Townsend.

Staff attending: Michael Lore, Esq. (Chief of Staff for Senator Lee), Howard Barr (OAG), and Dr. Greg von Lehmen (UMUC)

Quorum: yes.

1. After discussion, the subcommittee endorses the following actions to be taken in the next year in relation to its recommendations in the July 2017 Activities Report of the Council:
 - a. Cyber First Responder Reserve. July 2017 Activities Report, p. 10)). The subcommittee will aim to complete its research on this recommendation and to offer a proposal that might be useful to the state executive branch as it begins to implement the governor's recent executive order on cybersecurity.
 - b. Legislation to create a civil cause of action for unauthorized computer intrusion (p.11). The subcommittee believes that the common law remedies are not effective as indicated by court decisions in other states.
 - c. Legislation to extend the use of the no-charge credit option (p.11). The subcommittee proposes to extend this option for use in connection with minors and to include a fee repeal for security freeze thaws.
 - d. Legislation to encourage the adoption of the NIST Framework in the State IT Master Plan (p. 12).
 - e. Legislation that would extend breach notification requirements to the judiciary and the legislature (p. 20). This proposal would apply to the other branches a duty that already applies by law to the executive branch and to private sector entities.
 - f. Legislation to require state procurements to incorporate an independent security review and to certify an appropriate level of security prior to government acceptance (p. 20). The subcommittee recognizes that the similar legislation pertaining to procurement by the national government is likely to pass the US Congress.

- g. Legislation that would require ISPs to have a consumer's express consent to sell their browsing history (p. 20). The subcommittee is mindful that Minnesota already has enacted legislation to this effect, that other states are likely to follow, and that such a requirement is necessary to give consumers control over potentially very sensitive information.
 - h. Legislation that would make extortion through ransomware a crime and levy increasingly heavy penalties, depending on harm caused (p. 20).
 - i. Background research that would inform legislation requiring consumer labeling indicating the security level of IoT devices (p .21). The subcommittee acknowledges that this is a complex issue, requiring technical definitions, qualitative judgements about where to draw the line on security 'levels', and a way of communicating the information in a concise and easily understood manner. The subcommittee does not anticipate advancing a legislative proposal in this regard in the 2018 session.
 - j. Legislation to ensure the transparency of data held by data brokers and the right of consumers to correct incorrect information (p. 21).
- 2. Other business. None
 - 3. The meeting was adjourned at 12:00 pm.

Approved by members on October 20, 2017.