



House Bill 695

Open Meetings Act – Closed Meetings - Cybersecurity

MACo Position: **SUPPORT**

To: Education, Health, & Environmental Affairs
Committee

Date: March 22, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 695. The bill provides a necessary and commonsense update to the Open Meetings Act by allowing a public body to go into closed session to discuss issues relating to cybersecurity and network security.

HB 695 would allow a public body to meet in closed session to discuss cybersecurity issues if the public body determines that public discussion would constitute a risk to: (1) security assessments or deployments relating to information resources technology; (2) network security information; or (3) deployments or implementation of security personnel, critical infrastructure, or security devices.

The bill provides a needed clarification to the Open Meetings Act. Unfortunately, cybersecurity threats against county governments have become a regular occurrence. Counties are regularly attacked by individuals, criminal organizations, and foreign governments seeking to steal sensitive data, control or disrupt vital infrastructure, or literally hold our information systems for ransom. Counties must be allowed to confidentially anticipate and prepare for cybersecurity threats.

The Open Meetings Act already allows for closed sessions to discuss other security issues. Section 3-305(b)(10) of the General Provisions Article allows a public body to go into closed session to “discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.”

This existing language is clearly focused on physical security threats and was adopted at a time when cybersecurity concerns did not even exist. As such, the language does not provide adequate clarity or specificity to public bodies who want to have a closed session for cybersecurity purposes. HB 695 simply adds analogous and narrowly-crafted language to address cybersecurity threats.

HB 695 provides a needed update to the Open Meetings Act that will allow county governments to better respond to emergent cybersecurity threats. The language is analogous to existing Open Meetings Act language and is narrowly crafted. Accordingly, MACo urges the Committee to give HB 695 a **FAVORABLE** report.