

# HOUSE BILL 1306

P1

4lr2397

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By: **Delegates Szeliga and Hough**

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Functionality and Security of Web Sites – Certification**

3 FOR the purpose of prohibiting a governmental unit from making a Web site available  
4 to the public unless certain conditions are met; requiring, under certain  
5 circumstances, a governmental unit to obtain a certain certification before a  
6 certain date; prohibiting a Web site from being certified as secure unless certain  
7 conditions are met; requiring a governmental unit to immediately notify the  
8 Secretary of Information Technology if the governmental unit is unable to  
9 obtain a certain certification; requiring, under certain circumstances, the  
10 Secretary to work with a governmental unit to ensure that certain issues  
11 regarding a certain Web site are addressed and certain changes to a certain  
12 Web site are made; providing for the application of this Act; defining certain  
13 terms; and generally relating to the functionality and security of Web sites  
14 made available to members of the public by governmental units.

15 BY adding to

16 Article – State Government

17 Section 8–505

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2013 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – State Government**

23 **8–505.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
25 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “FULLY FUNCTIONAL” MEANS THAT A WEB SITE CAN FULLY**  
2 **SUPPORT THE ACTIVITIES FOR WHICH THE WEB SITE IS DESIGNED OR**  
3 **INTENDED WITH REGARD TO THE ELICITATION, COLLECTION, OR STORAGE OF**  
4 **PERSONALLY IDENTIFIABLE INFORMATION, INCLUDING HANDLING A VOLUME**  
5 **OF QUERIES RELATING TO THE PERSONALLY IDENTIFIABLE INFORMATION AS**  
6 **APPROPRIATE IN RELATION TO THE PURPOSE FOR WHICH THE WEB SITE IS**  
7 **DESIGNED.**

8           **(3) “GOVERNMENTAL UNIT” MEANS AN INSTRUMENTALITY OF**  
9 **THE STATE.**

10           **(4) (I) “PERSONALLY IDENTIFIABLE INFORMATION” MEANS**  
11 **ANY INFORMATION THAT CAN BE ASSOCIATED WITH ONE INDIVIDUAL THROUGH**  
12 **A SOCIAL SECURITY NUMBER, A TAXPAYER IDENTIFICATION NUMBER, A STATE**  
13 **IDENTIFICATION NUMBER, OR ANY OTHER IDENTIFIER.**

14           **(II) “PERSONALLY IDENTIFIABLE INFORMATION” DOES NOT**  
15 **INCLUDE INFORMATION NECESSARY TO CONTACT AN INDIVIDUAL.**

16           **(5) “SECRETARY” MEANS THE SECRETARY OF INFORMATION**  
17 **TECHNOLOGY.**

18           **(B) (1) THIS SECTION APPLIES TO A WEB SITE THAT ELICITS,**  
19 **COLLECTS, OR STORES PERSONALLY IDENTIFIABLE INFORMATION AND IS**  
20 **ACCESSIBLE TO THE PUBLIC.**

21           **(2) THIS SECTION DOES NOT APPLY TO A WEB SITE THAT IS**  
22 **DESIGNED FOR TESTING AND DEVELOPMENT PURPOSES IF:**

23           **(I) A MEMBER OF THE PUBLIC MAY ACCESS THE PORTIONS**  
24 **OF THE WEB SITE THAT CONTAIN PERSONALLY IDENTIFIABLE INFORMATION**  
25 **ONLY AFTER EXECUTING AN AGREEMENT THAT ACKNOWLEDGES THE RISKS**  
26 **INVOLVED; AND**

27           **(II) A GOVERNMENTAL UNIT HAS NOT COMPELLED,**  
28 **ENJOINED, OR OTHERWISE PROVIDED INCENTIVES FOR A MEMBER OF THE**  
29 **PUBLIC TO ACCESS THE WEB SITE FOR TESTING AND DEVELOPMENT PURPOSES.**

30           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
31 **SUBSECTION, A GOVERNMENTAL UNIT MAY NOT MAKE AVAILABLE TO THE**  
32 **PUBLIC A WEB SITE UNLESS:**

1                   **(I) THE SECRETARY HAS BEEN NOTIFIED OF THE**  
2 **GOVERNMENTAL UNIT'S INTENT TO MAKE A WEB SITE AVAILABLE TO THE**  
3 **PUBLIC;**

4                   **(II) AN APPROPRIATE THIRD-PARTY PRIVATE ENTITY HAS:**

5                   1.    **EVALUATED THE WEB SITE; AND**

6                   2.    **CERTIFIED THAT THE WEB SITE IS FULLY**  
7 **FUNCTIONAL AND SECURE; AND**

8                   **(III) THE CERTIFICATION HAS BEEN SUBMITTED TO THE**  
9 **SECRETARY.**

10                  **(2) IF A WEB SITE WAS MADE AVAILABLE TO THE PUBLIC BEFORE**  
11 **OCTOBER 1, 2014, THE GOVERNMENTAL UNIT SHALL OBTAIN THE**  
12 **CERTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
13 **BEFORE NOVEMBER 1, 2014.**

14                  **(D) A WEB SITE MAY NOT BE CERTIFIED AS SECURE UNLESS:**

15                  **(1) THE WEB SITE:**

16                   **(I) HAS SECURITY FEATURES THAT MEET A STANDARD**  
17 **ACCEPTABLE FOR BANKING PURPOSES; AND**

18                   **(II) ENSURES THAT PERSONALLY IDENTIFIABLE**  
19 **INFORMATION ELICITED, COLLECTED, OR STORED IN CONNECTION WITH THE**  
20 **WEB SITE IS CAPTURED AT THE LATEST POSSIBLE STEP IN A USER INPUT**  
21 **SEQUENCE; AND**

22                  **(2) THE GOVERNMENTAL UNIT:**

23                   **(I) HAS NAMED AN OVERALL SECURITY LEADER WHO HAS A**  
24 **COMPREHENSIVE VIEW OF THE SECURITY POSTURE FOR THE WEB SITE AND**  
25 **WHO HAS SUPERVISED A COMPLETE END-TO-END SECURITY TEST;**

26                   **(II) HAS TAKEN REASONABLE EFFORTS TO MINIMIZE**  
27 **DOMAIN NAME CONFUSION, INCLUDING REGISTERING ADDITIONAL DOMAIN**  
28 **NAMES AND INSTITUTING A PROGRAM TO EDUCATE CONSUMERS ON HOW TO**  
29 **SPOT FRAUDULENT WEB SITES;**

1                   **(III) REQUIRES ALL PERSONNEL WHO HAVE ACCESS TO**  
2 **PERSONALLY IDENTIFIABLE INFORMATION IN CONNECTION WITH THE WEB**  
3 **SITE TO UNDERGO A BACKGROUND CHECK AND SIGN A NONDISCLOSURE**  
4 **AGREEMENT WITH RESPECT TO PERSONALLY IDENTIFIABLE INFORMATION;**

5                   **(IV) TAKES PROPER PRECAUTIONS TO ENSURE THAT ONLY**  
6 **TRUSTWORTHY PERSONS CAN ACCESS PERSONALLY IDENTIFIABLE**  
7 **INFORMATION; AND**

8                   **(V) MAINTAINS, EITHER DIRECTLY OR THROUGH A**  
9 **CONTRACT, AMPLE PERSONNEL TO RESPOND IN A TIMELY MANNER TO ISSUES**  
10 **RELATING TO THE PROPER FUNCTION AND SECURITY OF THE WEB SITE AND TO**  
11 **MONITOR ON AN ONGOING BASIS EXISTING AND EMERGING SECURITY THREATS**  
12 **TO THE WEB SITE.**

13                   **(E) (1) IF A GOVERNMENTAL UNIT IS UNABLE TO OBTAIN THE**  
14 **CERTIFICATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE**  
15 **GOVERNMENTAL UNIT IMMEDIATELY SHALL NOTIFY THE SECRETARY.**

16                   **(2) IF THE SECRETARY IS NOTIFIED UNDER PARAGRAPH (1) OF**  
17 **THIS SUBSECTION, THE SECRETARY SHALL WORK WITH THE GOVERNMENTAL**  
18 **UNIT TO ENSURE THAT ANY ISSUES PREVENTING THE WEB SITE FROM BEING**  
19 **CERTIFIED ARE ADDRESSED AND ANY NECESSARY CHANGES TO THE WEB SITE**  
20 **ARE MADE.**

21                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2014.