
By: **Delegates Lee, Barkley, Benson, Bobo, Carter, Donoghue, Dumais, Frush, Glassman, Goldwater, Heller, Howard, Hubbard, Kelley, King, Kullen, Madaleno, Mandel, Marriott, McComas, McDonough, Menes, Montgomery, Morhaim, Murray, Nathan-Pulliam, Parker, Pendergrass, Shewell, Simmons, Smigiel, Stern, Taylor, V. Turner, and ~~Vaughn~~ Vaughn, Hurson, Hammen, Boteler, Boutin, Bromwell, Costa, Elliott, Frank, Kach, Oaks, Rudolph, and Weldon**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2005

CHAPTER _____

1 AN ACT concerning

2 **Information Technology Board - Security of Computer Systems**

3 FOR the purpose of including in the powers and duties of the Information Technology
4 Board the power and duty to develop standards and make recommendations
5 concerning the security of certain computer systems; requiring the Secretary of
6 Budget and Management to develop and adopt, by regulation, certain security
7 procedures; requiring the Secretary to consider certain matters when developing
8 and adopting certain regulations; requiring the Board to adopt certain
9 regulations; and generally relating to the security of computer systems used by
10 State government and educational institutions.

11 BY repealing and reenacting, without amendments,
12 Article - State Finance and Procurement
13 Section 3-402(a), (b), and (c)
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - State Finance and Procurement
18 Section 3-403(a) and 3-409
19 Annotated Code of Maryland

1 (2001 Replacement Volume and 2004 Supplement)

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

4 **Article - State Finance and Procurement**

5 3-402.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) "Board" means the Information Technology Board.

8 (c) "Chief" means the Chief of Information Technology.

9 3-403.

10 (a) The Secretary is responsible for:

11 (1) developing, maintaining, revising, and enforcing information
12 technology policies and standards; AND

13 (2) DEVELOPING AND ADOPTING, BY REGULATION, SECURITY
14 PROCEDURES FOR THE BOARD.

15 3-409.

16 (a) In addition to any other powers granted and duties imposed by law, and
17 subject to any restrictions imposed by law, the Board has the following powers and
18 duties:

19 (1) providing advice and counsel to the Chief in the development of the
20 information technology master plan;

21 (2) studying existing and emerging Internet and information technology;

22 (3) developing standards and making recommendations concerning
23 Internet-based commerce, including:

24 (i) advertising on the Internet;

25 (ii) banking transactions on the Internet;

26 (iii) business transactions on the Internet;

27 (iv) taxation of Internet-based commerce; and

28 (v) taxation of Internet services;

29 (4) developing standards and making recommendations concerning
30 Internet user privacy, including:

- 1 (i) the availability of personal information on the Internet;
- 2 (ii) the use of unsolicited bulk e-mail;
- 3 (iii) the use of encryption technology; and
- 4 (iv) the use of filters to screen out obscene or objectionable material;

5 (5) DEVELOPING STANDARDS AND MAKING RECOMMENDATIONS
6 CONCERNING THE SECURITY OF COMPUTER SYSTEMS USED BY STATE GOVERNMENT
7 AND EDUCATIONAL INSTITUTIONS;

8 [(5)] (6) making recommendations concerning Internet-based crime,
9 including:

- 10 (i) on-line fraud;
- 11 (ii) on-line pornography; and
- 12 (iii) on-line defamation;

13 [(6)] (7) making recommendations concerning the use of the Internet in
14 the health care industry, including:

- 15 (i) the use of an on-line database for patient medical history; and
- 16 (ii) processing payment and insurance transactions on-line;

17 [(7)] (8) making recommendations concerning the deployment of
18 Internet-based applications and services for State government and educational
19 institutions; [and]

20 [(8)] (9) providing advice and counsel to the Chief on such other matters
21 as the Chief may request; AND

22 (10) ADOPTING REGULATIONS FOR THE PROTECTION OF INFORMATION
23 THE BOARD RECEIVES WHILE CARRYING OUT ITS POWERS AND DUTIES UNDER THIS
24 SUBTITLE.

25 (b) (1) The Board shall create an annual report detailing its activities and
26 findings.

27 (2) The Board shall present its annual report to the Governor and,
28 subject to § 2-1246 of the State Government Article, to the General Assembly.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary shall
30 consider background checks for current and future members of the State Information
31 Technology Board and the potential breach of security as a result of open meeting
32 requirements when developing and adopting the regulations required under §
33 3-403(a)(2) of the State Finance and Procurement Article.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.