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MEMORANDUM

To: Chairperson Bowers
Members of the Senate Committee on Transparency & Ethics

From: The Office of Revisor of Statutes

Date: March 23, 2021

Subject: HB 2292 – KORA exception for cybersecurity assessments, plans, and vulnerabilities.

HB 2292 creates exemptions in the open records act for cybersecurity assessments, plans and vulnerabilities.

Section 1 amends K.S.A. 45-217 to define new terms used in the open records act. “Cybersecurity assessment” is defined as an investigation undertaken by a person, governmental body or other entity to identify vulnerabilities in cybersecurity plans. “Cybersecurity plan” is defined as information about a person’s information systems, network security, encryption, network mapping, access control, passwords, authentication practices, computer hardware or software or response to cybersecurity incidents. Finally, “cybersecurity vulnerability” is defined as a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.

Section 2 amends K.S.A. 45-221 to provide that a public agency shall not be required to disclose records of emergency or security information or procedures of a public agency, disclosure of which would jeopardize public safety, including records of cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities or procedures related to cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities.

If enacted, SB 52 would become effective on July 1, 2021.