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Testimony on HB 2128 House Judiciary Committee February 4, 2013

Mr. Chairman, Members of the Committee: My comments are brief because I believe this is a simple issue, though I am mindful that closing any records to the public has potential for abuse.

HB 2128 addresses an issue that was brought to my attention this past fall while I participated in a U.S. Dept. of Homeland Security Workshop. The issue is that utilities do not report to regulatory bodies, and hence to other utilities, cyber attacks that are not successful. This matters to the Dept. of Homeland Security because other utilities cannot be warned to be on the look-out for similar attacks.

You may have noted recent news reports about attacks on American utilities by foreign hackers, many of whom are allegedly paid by their governments. Failure of the electric, telecommunications, natural gas, or water utility operations has significant potential consequences for public health and safety.

HB 2128 provides an exception to the Open Records statute for reports by utilities to law enforcement and regulatory agencies of threats, attacks, or general cyber operations.

In talking with persons who frequently address Open Records issues, it was suggested that amending an existing section of the law might be preferable to Committee Members. I have requested such an amendment be drafted for the Committee's consideration.

Thank you for your attention and consideration. I will respond to questions at the appropriate time.