

SENATE BILL NO. 7

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

1183S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 37, RSMo, by adding thereto one new section relating to the protection of information controlled by state agencies.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 37, RSMo, is amended by adding thereto
2 one new section, to be known as section 37.060, to read as
3 follows:

37.060. 1. (1) There is hereby created within the
2 office of administration the position of chief data officer,
3 who shall be appointed by the commissioner of administration
4 and shall report to the chief information officer or, in the
5 absence of a chief information officer, the commissioner of
6 administration.

7 (2) The chief data officer is authorized to oversee
8 each state agency's management of electronic data for
9 purposes of evaluating appropriate management and security
10 of the data.

11 (3) The chief data officer may require each state
12 agency to:

13 (a) Classify its electronic data into levels of
14 sensitivity identified by the chief data officer and
15 regularly review and update such classifications;

16 (b) Develop, adopt, and regularly update a written
17 policy for responding to breaches and suspected breaches of
18 the agency's electronic data;

19 (c) Develop, adopt, and regularly update a written
20 policy for the proper disposal, consistent with chapter 109,
21 of the agency's electronic data, including requiring the
22 agency to use the office of administration's electronic
23 waste contract for that purpose;

24 (d) Adopt data collection standards and procedures
25 identified by the chief data officer; and

26 (e) Develop, adopt, and regularly update other
27 policies and procedures the chief data officer deems
28 necessary to evaluate appropriate management and security of
29 the agency's electronic data.

30 2. (1) Each state agency is responsible for
31 identifying its various types of electronic data, the
32 location of such data, and the level of security required
33 for each type of data.

34 (2) Each state agency shall communicate the
35 information described in subdivision (1) of this subsection
36 to the chief data officer and shall provide updated
37 information as necessary for the chief data officer to
38 evaluate the security of the agency's electronic data.

39 3. Each state agency shall cooperate with the chief
40 data officer in implementing this section. The chief data
41 officer may provide guidance to a state agency in fulfilling
42 the functions described in this section.

43 4. In the absence of a chief data officer, the
44 commissioner of administration, or his or her designee, may
45 exercise the authority granted in this section.

46 5. Nothing in this section shall be construed as:

47 (1) Waiving sovereign immunity against the state, any
48 agency of the state, or any officer or employee of the
49 state; or

50 (2) Creating a cause of action against the state, any
51 agency of the state, or any officer or employee of the state.

52 6. The office of administration may promulgate rules
53 to implement the provisions of this section. Any rule or
54 portion of a rule, as that term is defined in section
55 536.010, that is created under the authority delegated in
56 this section shall become effective only if it complies with
57 and is subject to all of the provisions of chapter 536 and,
58 if applicable, section 536.028. This section and chapter
59 536 are nonseverable and if any of the powers vested with
60 the general assembly pursuant to chapter 536 to review, to
61 delay the effective date, or to disapprove and annul a rule
62 are subsequently held unconstitutional, then the grant of
63 rulemaking authority and any rule proposed or adopted after
64 August 28, 2023, shall be invalid and void.

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