



Draft Minutes
Maryland Cybersecurity Council
Subcommittee on Law, Policy, and Legislation
Tuesday, June 1, 2021
10:00 am – 11:00 am
Virtual Meeting

Attendance

Subcommittee members attending: Senator Susan Lee, Blair Levin, Joseph Morales, Markus Rauschecker (for Professor Michael Greenberger), Paul Tiao, and Peegen Townsend. (Quorum present 6/9).

Staff: Howard Barr (Assistant Attorney General and General Counsel, DoIT), Michael Lore (Chief of Staff, Office of Senator Lee), and Dr. Greg von Lehmen (Staff, Maryland Cybersecurity Council).

Members of the public: Tiffany Harvey (Verizon), Michael Mullen (Verizon), and Caitlin McDonough, among others who joined by phone.

Meeting Summary

- 1) Chairing and opening the meeting on behalf of Blair Levin and herself, Senator Lee thanked all subcommittee members for their attendance.
- 2) Senator Lee announced a quorum. Minutes of the 09 October 2020, subcommittee meeting were moved, seconded, and approved unanimously.
- 3) Senator Lee turned to a summary of the last session. She noted that:
 - The session was challenging. Hearings were online. All senators were required to be on the floor for voting. But barriers between senators were installed as a protective measure. Police reform was a priority and was reflected in five major bills. The General Assembly was able to over-ride the veto of three of those bills.
 - SB 623/HB 425 (Criminal Law - Crimes Involving Computers) finally passed with amendments after a number of attempts over the years and was approved by the Governor.
 - SB 49/HB 38 (State Government - Department of Information Technology – Cybersecurity) was also enacted with amendments and approved.
 - SB 930 (Maryland Online Consumer Protection Act) was introduced but did not move. She expects to reintroduce it in 2021.
 - SB 112/HB 148 (Commercial Law –Personal Information Protection Act –Revisions) passed the House but did not pass the Senate. She observed that it was disappointing the bill did not pass, since it seemed that all stakeholders were in agreement. She will introduce the bill again next year and suggested that geolocation data should be included. She noted that the Attorney General’s office had reservations about the broader category of “activity tracking”.
- 4) Senator Lee asked the committee to consider several new recommendations for the 2021 – 2022 session:

- *Proposed: That the State consider appropriate legislation to ensure the transparency to consumers of the information held by entities about them and how it is used, the right of consumers to inspect, correct and delete such data, and their right to opt out of the sale of data to third parties. (Replaces 2017 Recommendation 3).*

There were no objections to the recommendation which is similar to one already on record concerning data brokers. Mr. Lore mentioned that it will be instructive to watch the first enforcement of Vermont's data brokers' statute. He asked whether it was time to consider a stalkerware bill but suggested that the issue might not be ripe for subcommittee consideration.

- *Proposed: That the State consider incentives for businesses to assess how they prioritize cybersecurity and to invest more, if necessary, to create a cybersecurity program consistent with recognized standards and frameworks.*

Senator Lee supported the general character of recommendation; the fact that the recommendation was not tied to one approach to incentives. Mr. Levin, Mr. Rauschecker, and Mr. Tiao made comments affirming this approach. There were no objections to the recommendation.

- *Proposed: That there be transparency with the State by energy and water critical infrastructure providers about hacks that interfere with operations. There were no objections to the substitution and to the recommendation as a whole.*

Mr. Tiao suggested using the term, 'compromises', in lieu of the term, hacks. He also noted that Georgia had passed a law this year that requires utilities under certain circumstances to provide notice to the State when there is a compromise of their systems. There were no objections to the substitution and to the recommendation as a whole.

- *Proposed: That the State consider legislation to enhance the security of Internet of Things (IoT) devices. (Replacing 2017 Recommendation 6).* Dr. von Lehmen noted that the original recommendation specified a particular approach to increasing the security of IoT devices and that the update simply leaves open how best to secure the policy objective. There were no objections to the reformulation.

5. Senator Lee asked if there were any further comments on the proposed recommendations or other business for the subcommittee to discuss. Hearing none, she duly adjourned the meeting at 11:00 am.