

Kevin Bacon

3rd Ohio Senate District

Committees:

Judiciary, Chair
Finance
Finance – Higher Ed Subcommittee
Energy and Natural Resources
Government Oversight and Reform
Insurance and Financial Institutions



Bob Hackett

10th Ohio Senate District

Committees:

Finance - Health and Medicaid Subcommittee, Chair
Insurance and Financial Institutions, Vice Chair
Agriculture
Health, Human Services and Medicaid
Local Government, Public Safety and Veterans Affairs
Ways and Means

Sponsor Testimony

Senate Bill 220

December 12, 2017

Senator Bob Hackett and Senator Kevin Bacon Senate Government Oversight and Reform Committee

Chairman Coley, Vice Chairman Uecker, Ranking Member Schiavoni and members of the Senate Government Oversight and Reform Committee thank you for the opportunity for us to provide sponsor testimony on Senate Bill 220, which would provide an incentive for businesses to achieve a higher level of cybersecurity through voluntary action, and to provide an affirmative defense to a lawsuit which alleges a data breach was caused by a business' failure to implement reasonable information security controls.

In order to receive the benefit of the safe harbor, a business must create its own cybersecurity program. To provide guidance to businesses, S.B. 220 lists eight different industry-recognized cybersecurity frameworks which a business can follow when creating its own cybersecurity program. Businesses are only required to incorporate one of the frameworks into the business' cybersecurity program. Further, businesses are free to choose whichever framework best fits their information security controls.

Understandably, the cybersecurity needs for a business varies with the size of the business and the type of industry that the business engages in. As a result, S.B. 220 is "scalable" to the needs of a particular business. In other words, the requirements of S.B. 220 would depend on the size and scope of each business. The legislation lists five factors which a business' cybersecurity program can depend on, such as the size and complexity of the business along with the resources available to the business. Additionally, each of the eight industry-recognized cybersecurity frameworks mentioned in the legislation are designed to be scalable as well.

Finally, it is important to note that the legislation does not create a minimum cybersecurity standard that can be violated and consequently added to a lawsuit against a business owner. In fact, the legislation specifically states that the legislation shall not be read to impose liability on businesses who do not comply with the provisions within S.B. 220.

Chairman Coley, Vice Chairman Uecker, Ranking Member Schiavoni and members of the Senate Government Oversight and Reform Committee thank you for the opportunity for us to provide sponsor testimony on Senate Bill 220. We would be happy to attempt to answer any questions the committee may have at this time.