



**Colorado
Legislative
Council
Staff**

HB17-1069

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0091 **Date:** February 7, 2017
Prime Sponsor(s): Rep. Carver; Melton **Bill Status:** House SVMA
 Sen. Lundberg **Fiscal Analyst:** Jessika Shipley (303-866-3528)

BILL TOPIC: SUBCOMMITTEE ON DATA PRIVACY

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures General Fund	At least \$3,500	
Appropriation Required: At least \$3,500 - Legislative Department (FY 2017-18).		
Future Year Impacts: None.		

Summary of Legislation

This bill creates a subcommittee of the Joint Technology Committee (JTC), that is required to meet three times annually until the subcommittee sunsets on July 1, 2018, to study issues related to data privacy and cyber security. The subcommittee is comprised of legislative and non-legislative members and is directed to consider the following:

- whether state agencies are collecting or retaining data that exceeds what is necessary and appropriate for the agencies to perform their functions;
- who has access to data, the extent of such access, and appropriate mechanisms to protect sensitive data; and
- measures to protect data against unauthorized access, disclosure, use, modification, or destruction.

In order to accomplish these tasks, the subcommittee will select three state agencies and examine how each of these agencies determines what data to obtain relative to its statutory obligations. On or before December 31, 2017, a representative of each of the three agencies is required to appear before the subcommittee at a public hearing to:

- explain how the collection of personally identifiable data relates to the agency's duties, and identify any federal or state laws that concern data privacy and that apply to each agency's programs; and
- examine Colorado information security policies and how state agencies are addressing access to data by other state agencies and nongovernmental organizations.

All state and local agencies are required to cooperate with the subcommittee and provide such data and other information as the subcommittee may require. The bill permits but does not require any state or local agency that is represented on the subcommittee to provide staff assistance. The subcommittee is required to compile a report of its findings and recommendations to the JTC and the General Assembly on or before January 1, 2018.

Background

Established in 2013, the JTC is a statutory, six-member committee of the Colorado Senate and House of Representatives. The JTC is charged with reviewing significant IT projects, prioritizing IT budget requests, forecasting the state's need for future IT budget requests, and reviewing IT legislation. JTC oversight responsibilities include: emergency acquisitions of IT resources; annual updates to the statewide IT plan; the state's Chief Information Security Officer and his or her duties; and any IT purchased or implemented by a state agency that does not follow the standards set by the Governor's Office of Information Technology (OIT) or is not approved through OIT.

State Expenditures

For FY 2017-18, this bill will increase workloads for legislative staff and the three agencies chosen by the subcommittee. The bill does not specify which three agencies will be chosen or what will be required of these agencies. As such, the costs cannot be determined at this time. Depending on the agencies chosen and other decisions made by the subcommittee, the impact could range from negligible to substantial.

If the subcommittee meets during the legislative interim, the four legislative members will be paid interim per diem and travel costs of approximately \$3,500, assuming four meetings. Non-legislative members may recoup actual travel costs that are approximately \$470 each, assuming they are within 50 miles of the location of the meetings.

Local Government Impact

To the extent that local government agencies are chosen to participate in the subcommittee's process, workloads in those agencies will increase. Again, the exact costs to local governments will vary depending on the decisions made by the subcommittee.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2017-18, the Legislative Department requires a General Fund appropriation of at least \$3,500.

State and Local Government Contacts

All State Agencies