

2018 -- H 7817

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - PROTECTION OF
INFORMATION SYSTEMS ACT

Introduced By: Representatives Ucci, Winfield, Costantino, Lima, and Fellela

Date Introduced: February 28, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 160

4 PROTECTION OF INFORMATION SYSTEMS ACT

5 **42-160-1. Short title.**

6 This chapter shall be known and may be cited as the "Protection of Information Systems
7 Act".

8 **42-160-2. Compliance.**

9 All departments of state government as well as municipalities and quasi-public
10 corporations shall protect information systems that they own, use, or otherwise store information
11 on, by adopting and implementing specific standards and procedures that are in compliance with
12 the criteria as set forth in the United States Department of Commerce, National Institute of
13 Standards and Technology (NIST) Special Publication 800-171. Compliance shall be completed
14 within eighteen (18) months of the enactment of this section. Provided further, discussion and
15 activity pursuant to this section shall not be subject to chapter 46 of title 42, pertaining to open
16 meetings.

17 SECTION 2. Section 42-46-5 of the General Laws in Chapter 42-46 entitled "Open
18 Meetings" is hereby amended to read as follows:

1 **42-46-5. Purposes for which meeting may be closed -- Use of electronic**
2 **communications -- Judicial proceedings -- Disruptive conduct.**

3 (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one
4 or more of the following purposes:

5 (1) Any discussions of the job performance, character, or physical or mental health of a
6 person or persons provided that such person or persons affected shall have been notified in
7 advance in writing and advised that they may require that the discussion be held at an open
8 meeting.

9 Failure to provide such notification shall render any action taken against the person or
10 persons affected null and void. Before going into a closed meeting pursuant to this subsection, the
11 public body shall state for the record that any persons to be discussed have been so notified and
12 this statement shall be noted in the minutes of the meeting.

13 (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining
14 to collective bargaining or litigation.

15 (3) Discussion regarding the matter of security including, but not limited to, the
16 deployment of security personnel or devices.

17 (4) Any investigative proceedings regarding allegations of misconduct, either civil or
18 criminal.

19 (5) Any discussions or considerations related to the acquisition or lease of real property
20 for public purposes, or of the disposition of publicly held property wherein advanced public
21 information would be detrimental to the interest of the public.

22 (6) Any discussions related to or concerning a prospective business or industry locating
23 in the state of Rhode Island when an open meeting would have a detrimental effect on the interest
24 of the public.

25 (7) A matter related to the question of the investment of public funds where the
26 premature disclosure would adversely affect the public interest. Public funds shall include any
27 investment plan or matter related thereto, including, but not limited to, state lottery plans for new
28 promotions.

29 (8) Any executive sessions of a local school committee exclusively for the purposes: (i)
30 of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the
31 privacy of students and their records, including all hearings of the various juvenile hearing boards
32 of any municipality; provided, however, that any affected student shall have been notified in
33 advance in writing and advised that he or she may require that the discussion be held in an open
34 meeting.

1 Failure to provide such notification shall render any action taken against the student or
2 students affected null and void. Before going into a closed meeting pursuant to this subsection,
3 the public body shall state for the record that any students to be discussed have been so notified
4 and this statement shall be noted in the minutes of the meeting.

5 (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective
6 bargaining agreement.

7 (10) Any discussion of the personal finances of a prospective donor to a library.

8 [\(11\) Any discussion or activity undertaken by a public body pursuant to § 42-160-2.](#)

9 (b) No meeting of members of a public body or use of electronic communication,
10 including telephonic communication and telephone conferencing, shall be used to circumvent the
11 spirit or requirements of this chapter; provided, however, these meetings and discussions are not
12 prohibited.

13 (1) Provided, further however, that discussions of a public body via electronic
14 communication, including telephonic communication and telephone conferencing, shall be
15 permitted only to schedule a meeting.

16 (2) Provided, further however, that a member of a public body may participate by use of
17 electronic communication or telephone communication while on active duty in the armed services
18 of the United States.

19 (3) Provided, further however, that a member of that public body, who has a disability as
20 defined in chapter 87 of title 42 and:

21 (i) Cannot attend meetings of that public body solely by reason of his or her disability;
22 and

23 (ii) Cannot otherwise participate in the meeting without the use of electronic
24 communication or telephone communication as reasonable accommodation, may participate by
25 use of electronic communication or telephone communication in accordance with the process
26 below.

27 (4) The governor's commission on disabilities is authorized and directed to:

28 (i) Establish rules and regulations for determining whether a member of a public body is
29 not otherwise able to participate in meetings of that public body without the use of electronic
30 communication or telephone communication as a reasonable accommodation due to that
31 member's disability;

32 (ii) Grant a waiver that allows a member to participate by electronic communication or
33 telephone communication only if the member's disability would prevent him/her from being
34 physically present at the meeting location, and the use of such communication is the only

1 reasonable accommodation; and

2 (iii) Any waiver decisions shall be a matter of public record.

3 (c) This chapter shall not apply to proceedings of the judicial branch of state government
4 or probate court or municipal court proceedings in any city or town.

5 (d) This chapter shall not prohibit the removal of any person who willfully disrupts a
6 meeting to the extent that orderly conduct of the meeting is seriously compromised.

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - PROTECTION OF
INFORMATION SYSTEMS ACT

1 This act would require all state, municipal, and quasi-public departments to protect
2 information contained in their computer systems by complying with the criteria set forth in a
3 publication (800-171) by the US Department of Commerce's National Institute of Standards and
4 Technology (NIST). The departments would have eighteen (18) months after passage of the act to
5 comply. Further, the act would exempt all discussion and activity from the open meetings law.

6 This act would take effect upon passage.

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