

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1881**

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**Introduced by Assembly Member Chang**

February 10, 2016

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~~An act to amend Section 11546 of the Government Code, relating to state government.~~ *An act to amend Section 11545 of the Government Code, relating to state government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Chang. ~~Office of Information Security. Director of Technology: state baseline security controls.~~

*Existing law establishes within the Government Operations Agency the Department of Technology, under the supervision of the Director of Technology, also known as the State Chief Information Officer. Existing law requires the director to, among other things, advise the Governor on the strategic management and direction of the state's information technology resources and provide technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives. Existing law further requires the director to produce an annual information technology performance report that assesses and measures the state's progress toward specified goals.*

*This bill would require the director to develop, tailor, and subsequently review and revise baseline security controls for the state based on baseline security controls published by the National Institute of Standards and Technology. The bill would require state agencies to comply with, and prohibit state agencies from tailoring their individual baseline security controls to fall below, the state baseline security*

*controls. The bill would require that the director’s annual information technology performance report also assess and measure the state’s progress toward developing, tailoring, and complying with the state baseline security controls.*

~~Existing law creates in the Department of Technology, the Office of Information Security, under the direction of a chief, to ensure the confidentiality, integrity, and availability of state systems and applications:~~

~~This bill would make nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11545 of the Government Code is  
2 amended to read:

3 11545. (a) (1) There is in state government the Department  
4 of Technology within the Government Operations Agency. The  
5 Director of Technology shall be appointed by, and serve at the  
6 pleasure of, the Governor, subject to Senate confirmation. The  
7 Director of Technology shall supervise the Department of  
8 Technology and report directly to the Governor on issues relating  
9 to information technology.

10 (2) Unless the context clearly requires otherwise, whenever the  
11 term “office of the State Chief Information Officer” or “California  
12 Technology Agency” appears in any statute, regulation, or contract,  
13 or any other code, it shall be construed to refer to the Department  
14 of Technology, and whenever the term “State Chief Information  
15 Officer” or “Secretary of California Technology” appears in any  
16 statute, regulation, or contract, or any other code, it shall be  
17 construed to refer to the Director of Technology.

18 (3) The Director of Technology shall be the State Chief  
19 Information Officer.

20 (b) The duties of the Director of Technology shall include, but  
21 are not limited to, all of the following:

22 (1) Advising the Governor on the strategic management and  
23 direction of the state’s information technology resources.

24 (2) Establishing and enforcing state information technology  
25 strategic plans, policies, standards, and enterprise architecture.

26 This shall include the periodic review and maintenance of the

1 information technology sections of the State Administrative  
2 Manual, except for sections on information technology procurement  
3 procedures, and information technology fiscal policy. The Director  
4 of Technology shall consult with the Director of General Services,  
5 the Director of Finance, and other relevant agencies concerning  
6 policies and standards these agencies are responsible to issue as  
7 they relate to information technology.

8 (3) Minimizing overlap, redundancy, and cost in state operations  
9 by promoting the efficient and effective use of information  
10 technology.

11 (4) Providing technology direction to agency and department  
12 chief information officers to ensure the integration of statewide  
13 technology initiatives, compliance with information technology  
14 policies and standards, and the promotion of the alignment and  
15 effective management of information technology services. Nothing  
16 in this paragraph shall be deemed to limit the authority of a  
17 constitutional officer, cabinet agency secretary, or department  
18 director to establish programmatic priorities and business direction  
19 to the respective agency or department chief information officer.

20 (5) Working to improve organizational maturity and capacity  
21 in the effective management of information technology.

22 (6) Establishing performance management and improvement  
23 processes to ensure state information technology systems and  
24 services are efficient and effective.

25 (7) Approving, suspending, terminating, and reinstating  
26 information technology projects.

27 (8) Performing enterprise information technology functions and  
28 services, including, but not limited to, implementing Geographic  
29 Information Systems (GIS), shared services, applications, and  
30 program and project management activities in partnership with the  
31 owning agency or department.

32 (9) *Developing and tailoring baseline security controls for the*  
33 *state based on baseline security controls published by the National*  
34 *Institute of Standards and Technology (NIST). The Director of*  
35 *Technology shall review and revise the state baseline security*  
36 *controls whenever the NIST updates its baseline security controls*  
37 *but, in no event, less frequently than once every three years. State*  
38 *agencies shall comply with the state baseline security controls and*  
39 *shall not tailor their individual baseline security controls to fall*  
40 *below the state baseline security controls.*

1 (c) The Director of Technology shall produce an annual  
2 information technology strategic plan that shall guide the  
3 acquisition, management, and use of information technology. State  
4 agencies shall cooperate with the department in the development  
5 of this plan, as required by the Director of Technology.

6 (1) Upon establishment of the information technology strategic  
7 plan, the Director of Technology shall take all appropriate and  
8 necessary steps to implement the plan, subject to any modifications  
9 and adjustments deemed necessary and reasonable.

10 (2) The information technology strategic plan shall be submitted  
11 to the Joint Legislative Budget Committee by January 15 of every  
12 year.

13 (d) The Director of Technology shall produce an annual  
14 information technology performance report that shall assess and  
15 measure the state's progress toward enhancing information  
16 technology human capital management; reducing and avoiding  
17 costs and risks associated with the acquisition, development,  
18 implementation, management, and operation of information  
19 technology assets, infrastructure, and systems; improving energy  
20 efficiency in the use of information technology assets; enhancing  
21 the security, reliability, and quality of information technology  
22 networks, services, and systems; *developing, tailoring, and*  
23 *complying with state baseline security controls*; and improving  
24 the information technology procurement process. The department  
25 shall establish those policies and procedures required to improve  
26 the performance of the state's information technology program.

27 (1) The department shall submit an information technology  
28 performance management framework to the Joint Legislative  
29 Budget Committee by May 15, 2009, accompanied by the most  
30 current baseline data for each performance measure or metric  
31 contained in the framework. The information technology  
32 performance management framework shall include the performance  
33 measures and targets that the department will utilize to assess the  
34 performance of, and measure the costs and risks avoided by, the  
35 state's information technology program. The department shall  
36 provide notice to the Joint Legislative Budget Committee within  
37 30 days of making changes to the framework. This notice shall  
38 include the rationale for changes in specific measures or metrics.

1 (2) State agencies shall take all necessary steps to achieve the  
2 targets set forth by the department and shall report their progress  
3 to the department on a quarterly basis.

4 (3) Notwithstanding Section 10231.5, the information  
5 technology performance report shall be submitted to the Joint  
6 Legislative Budget Committee by January 15 of every year. To  
7 enhance transparency, the department shall post performance  
8 targets and progress toward these targets on its public Internet Web  
9 site.

10 (4) The department shall at least annually report to the Director  
11 of Finance cost savings and avoidances achieved through  
12 improvements to the way the state acquires, develops, implements,  
13 manages, and operates state technology assets, infrastructure, and  
14 systems. This report shall be submitted in a timeframe determined  
15 by the Department of Finance and shall identify the actual savings  
16 achieved by each office, department, and agency. Notwithstanding  
17 Section 10231.5, the department shall also, within 30 days, submit  
18 a copy of that report to the Joint Legislative Budget Committee,  
19 the Senate Committee on Appropriations, the Senate Committee  
20 on Budget and Fiscal Review, the Assembly Committee on  
21 Appropriations, and the Assembly Committee on Budget.

22 (e) If the Governor's Reorganization Plan No. 2 of 2012  
23 becomes effective, this section shall prevail over Section 186 of  
24 the Governor's Reorganization Plan No. 2 of 2012, regardless of  
25 the dates on which this section and that plan take effect, and this  
26 section shall become operative on July 1, 2013.

27 ~~SECTION 1. Section 11549 of the Government Code is~~  
28 ~~amended to read:~~

29 ~~11549. (a) There is in state government, in the Department of~~  
30 ~~Technology, the Office of Information Security. The purpose of~~  
31 ~~the office is to ensure the confidentiality, integrity, and availability~~  
32 ~~of state systems and applications, and to promote and protect~~  
33 ~~privacy as part of the development and operations of state systems~~  
34 ~~and applications to ensure the trust of the residents of this state.~~

35 ~~(b) The office shall be under the direction of a chief, who shall~~  
36 ~~be appointed by, and serve at the pleasure of, the Governor. The~~  
37 ~~chief shall report to the Director of Technology, and shall lead the~~  
38 ~~Office of Information Security in carrying out its mission.~~

39 ~~(c) The duties of the Office of Information Security, under the~~  
40 ~~direction of the chief, shall be to provide direction for information~~

1 security and privacy to state government agencies, departments,  
2 and offices, pursuant to Section 11549.3.

3 (d) (1) Unless the context clearly requires otherwise, whenever  
4 the term “Office of Information Security and Privacy Protection”  
5 appears in any statute, regulation, or contract, it shall be deemed  
6 to refer to the Office of Information Security, and whenever the  
7 term “executive director of the Office of Information Security and  
8 Privacy Protection” appears in statute, regulation, or contract, it  
9 shall be deemed to refer to the Chief of the Office of Information  
10 Security.

11 (2) All employees serving in state civil service, other than  
12 temporary employees, who are engaged in the performance of  
13 functions transferred from the Office of Information Security and  
14 Privacy Protection to the Office of Information Security, are  
15 transferred to the Office of Information Security. The status,  
16 positions, and rights of those persons shall not be affected by their  
17 transfer and shall continue to be retained by them pursuant to the  
18 State Civil Service Act (Part 2 (commencing with Section 18500)  
19 of Division 5), except as to positions the duties of which are vested  
20 in a position exempt from civil service. The personnel records of  
21 all transferred employees shall be transferred to the Office of  
22 Information Security.

23 (3) The property of any office, agency, or department related  
24 to functions transferred to the Office of Information Security is  
25 transferred to the Office of Information Security. If any doubt  
26 arises as to where that property is transferred, the Department of  
27 General Services shall determine where the property is transferred.

28 (4) All unexpended balances of appropriations and other funds  
29 available for use in connection with any function or the  
30 administration of any law transferred to the Office of Information  
31 Security shall be transferred to the Office of Information Security  
32 for the use and for the purpose for which the appropriation was  
33 originally made or the funds were originally available. If there is  
34 any doubt as to where those balances and funds are transferred,  
35 the Department of Finance shall determine where the balances and  
36 funds are transferred.