



Cybersecurity

The ARDA-supported cyber security bills (H.R. 1560, H.R. 1731, and S. 754) each passed their respective chambers with broad bipartisan support and were merged into the Cybersecurity Act of 2015, which was signed into law as part of the 2016 omnibus spending bill. The Cybersecurity Act of 2015 encourages sharing of cyber threat information between private businesses and the federal government as well as requiring the federal government to release periodic cybersecurity best practices.

The Cybersecurity Act of 2015 includes sections about Internet monitoring that modify the Internet surveillance laws and broadens powers of network operators to conduct surveillance for cybersecurity purposes. It establishes a framework to facilitate and encourage confidential two-way private sector sharing of cyberthreat information with the federal government and provides liability shields for cyberthreat information sharing, as well as for specific actions undertaken to defend or monitor corporate networks.

The Cybersecurity Act also designates the Department of Homeland Security (DHS) to coordinate cyberthreat information sharing. The Act encourages, but does not require, companies to share information about data breaches and responses with each other and with the federal government. Though the Act is effective immediately, the attorney general and DHS secretary must release guidelines within 90 days.

Privacy Protections. Despite criticism of privacy-invasive mechanisms that will increase government surveillance and coerce personal information disclosures to the government, the law incorporates significant privacy protections, including:

- Requires that private entities identify and remove such personal information not directly related to a cybersecurity threat before sharing information under the Act.
- Requires development of procedures to identify and remove information “not directly related to a cybersecurity threat that such Federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual.”
- Requires procedures to notify individuals whose personal information is known or determined to have been shared in violation of the law. Accordingly, there is essentially a double-scrubbing process and notification process to prevent disclosures of personal information not critical to cybersecurity purposes.
- Establishes several oversight mechanisms, including for the privacy protections requiring removal of personal information. The comptroller general of the United States is required to issue a report to Congress on the issue within three years.

ARDA Position

Enacting comprehensive cybersecurity information sharing legislation is a top priority of ARDA. To better protect the industry, it is critical for businesses to be able to share information and mitigate threats without the fear of legal repercussions later. ARDA’s goal is to encourage better, more effective information sharing within the private sector and also from the government to private sector.