



Legislative Commission on Cybersecurity

Rules for Closed Meetings

Adopted: September 11, 2023

1 **I. Background**

2 The Legislative Commission on Cybersecurity was established in Minnesota Statutes,
3 section [3.888](#). Meetings of the commission are generally open to the public; however, under
4 subdivision 5, the commission may close a meeting when necessary to safeguard the state’s
5 cybersecurity. This document describes the rules the commission will follow relating to the
6 closed meetings permitted under subdivision 5.

7 **II. Outline**

8 Section III of this document defines key terms. Section IV describes the rules the commission
9 will follow relating to closed meetings. Section V addresses reasonable accommodations to
10 these rules.

11 **III. Definitions and Key Terms**

Term	Definition
Security records	“Security records” as defined in Minnesota Statutes, section 3.888, subdivision 1a, means data, documents, recordings, or similar that: (1) were originally collected, created, received, maintained, or disseminated by a member of the commission during a closed meeting or a closed portion of a meeting; and (2) are security information as defined by Minnesota Statutes, section 13.37, subdivision 1, or otherwise pertain to cybersecurity briefings and reports; issues related to cybersecurity systems; or deficiencies in or recommendations regarding cybersecurity services, infrastructure, and facilities, if disclosure of the records would pose a danger to or compromise cybersecurity infrastructure, facilities, procedures, or responses.

Commission	“Commission” means the Legislative Commission on Cybersecurity established under Minnesota Statutes, section 3.888.
Member	“Member” means an individual appointed to the commission under Minnesota Statutes, section 3.888, subdivision 1.
Presenter	“Presenter” means an individual other than a member that presents at a closed meeting of the commission.

12 **IV. Rules**

13 This section outlines the rules the commission will follow relating to closed meetings.

14 **a. Before closing a meeting**

15 Before every closed meeting, the commission must, on the record and during a public
16 meeting:

- 17 1. state the specific grounds permitting the meeting to be closed, including why
- 18 closure is necessary to safeguard the state’s cybersecurity;
- 19 2. describe the subject to be discussed at the closed meeting;
- 20 3. record a majority vote to hold a closed meeting; and
- 21 4. announce the date and time of commencement of the closed meeting.

22 When practicable, the commission shall provide notice of its intent and authority to hold a
23 closed meeting or to hold a closed session during an otherwise open meeting.

24 **b. Minimizing presence at closed meetings**

25 Only members and presenters may attend a closed meeting.

26 **c. Secretary**

27 The commission must elect a secretary of the commission by a majority vote of members
28 present before the commission’s first closed meeting. If the commission is unable to elect a
29 secretary by a majority vote before the commission’s first closed meeting, the chair must
30 serve as secretary. A new secretary must be elected, and the current secretary’s term must
31 expire, after the opening of the next regular session of the legislature in the odd-
32 numbered year. The secretary must alternate between a member of the senate and a
33 member of the house of representatives.

34 The secretary’s duties are (1) documenting security records, including recording the
35 closed meeting; (2) providing the Legislative Coordinating Commission (LCC) security
36 records within seven days of the closed meeting; (3) collecting confidential materials from
37 the closed meeting at the meeting’s conclusion, excluding, if necessary, a presenter’s
38 own confidential materials; and (4) at the beginning of every closed meeting, the
39 secretary must read aloud a scripted reminder developed by the LCC about the
40 obligations of members and presenters to maintain the confidentiality of information
41 exchanged during the closed meeting.

42 **d. Provision of closed meeting rules**

43 All members and presenters must be provided a copy of these rules before the member's
44 or presenter's first closed meeting of the commission.

45 **e. In-person attendance requirement**

46 All closed meetings must be held in person. Members and presenters of closed meetings
47 must follow any public health guidance of the location at which the closed meeting occurs.

48 **f. Physical requirements**

49 Before entering a closed meeting, members and presenters are required to turn off or not
50 bring into the closed meeting any electronic devices, including computers, cell phones, smart
51 watches, or similar technology. The LCC will develop options for secure storage for
52 members' devices during closed meetings.

53 Except as provided in paragraph (g), only the secretary may remove confidential materials
54 from a closed meeting's location at the conclusion of the closed meeting.

55 **g. Presenters**

56 Presenters must inform the chair of the commission before the closed meeting whether
57 the presenter believes their presentation includes subject matter that, if disclosed, would
58 pose a risk to the state's cybersecurity. If the presentation contains such subject matter, the
59 presenter must store their presentation in a manner that is consistent with practices to protect
60 confidential data. If necessary, a presenter may remove the presenter's own confidential
61 materials from the closed meeting's location at the conclusion of a closed meeting.

62 **h. Votes**

63 The Commission shall not take votes during a closed meeting or a closed portion of a meeting.

64 **i. LCC security records storage**

65 The LCC must store security records in a manner that is consistent with practices to
66 protect confidential data.

67 **j. Public release of security records**

68 Minnesota Statutes, section 3.888, subdivision 5, states that security records maintained by
69 the LCC "shall not be made available to the public until at least eight years but no more than 20
70 years after the date of the closed meeting." Before making the security records public, the
71 commission recommends that the LCC review the records to determine if making the
72 security records public creates an unreasonable cybersecurity risk to the state. If the LCC
73 determines that making the security records public does not create an unreasonable
74 cybersecurity risk to the state, then the commission recommends that the LCC release the
75 security records to the public. If the LCC determines that the public release of security
76 records creates an unreasonable cybersecurity risk to the state, the commission
77 recommends that the LCC not release the security records to the public and that the LCC
78 meet every two years thereafter to reevaluate whether the security records should be made

79 public.

80 **k. Alleged member violations**

81 A member who is alleged to have violated the confidentiality of a closed meeting may be
82 reported to the legislative committee with jurisdiction over ethical conduct. A member
83 reported to a legislative committee with jurisdiction over ethical conduct for
84 allegedly violating the confidentiality of a closed meeting must not participate in
85 other closed meetings of the commission, if any, unless the legislative committee with
86 jurisdiction over ethical conduct determines that the member did not violate the
87 confidentiality of the closed meeting.

88 **I. Reasonable Accommodations**

89 The commission is committed to complying with the Americans with Disabilities Act. If a
90 member or presenter requires a reasonable accommodation to these rules, it must be directed
91 to the chair of the commission as soon as practicable before the closed meeting.