



# Legislative Commission on Cybersecurity

## **Procedure-Draft Rules for Closed Meetings**

Initially presented on 11/16/2021, revised drafts presented on 12/16/2021 and 1/10/2022.

### **Background**

The Legislative Commission on Cyber-Security (“Commission”) was established in 2021 Minnesota Session Laws, 1<sup>st</sup> Special Session, Chapter 12, Article 2, Section 1. It is codified in Minnesota Statutes § [3.888](#).

Meetings of the Commission generally will be open to the public as provided in Minnesota Statutes § [3.055](#). The Commission may close a meeting when necessary to safeguard the state’s cybersecurity, as provided in Minnesota Statutes § [3.888, Subd. 5](#). ~~Discussions related to the state’s cybersecurity may also be closed under Minnesota Statute § [13D.05, Subd. 3](#).~~

### **Procedure to Close a Meeting**

If the Commission, by majority vote, determines it is necessary to close a meeting under Minnesota Statute § [3.888, Subd. 5](#), the chair must:

- a) When practicable, include in the public notice of the meeting the intent to close the meeting, or portion of the meeting, under Minnesota Statute § [3.888, Subd. 5](#);
- b) At the point in the public meeting when the meeting will be closed, announce for the public and for the record that the meeting is to be closed under Minnesota Statute § [3.888, Subd. 5](#); and

- c) Indicate if the Commission will reconvene in an open meeting at the conclusion of the closed meeting.

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Upon closure of the meeting, only commission members, legislative staff necessary to maintain the records of the closed meeting, and identified presenters will be permitted to participate in the closed meeting.

### **Confidentiality Pledge**

A Cybersecurity Commission Confidentially Pledge will be developed by the LCC and adopted by the full commission.

At the beginning of every closed portion of a commission meeting, all commission members and legislative staff, and presenters who attend or participate in the closed meeting must sign or verbally affirm, if meeting remotely, for the record that they agree to adhere to the requirements outlined within the Cybersecurity Commission Confidentiality Pledge. Verbal affirmations shall be noted via a roll call of all individuals present.

When a closed portion of a meeting includes presentations from multiple agencies, commission members and staff will be reminded, at the beginning of each presentation, of the Confidentially Pledge they agreed to at the beginning of the closed portion. ~~Each presenter will be asked to note on the record their agreement to the Pledge prior to addressing the commission.~~

### **Closed Meeting Records**

As provided in Minnesota Statute § [3.888, Subd. 5](#), the minutes, recordings, and documents from a closed meeting of the Commission shall be maintained by the Legislative Coordinating Commission and shall not be made available to the public until eight years after the date of the meeting.