



Legislative Commission on Cybersecurity

Draft Rules for Closed Meetings

For consideration of adoption at 5/4/22 meeting.

I. Background

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

II. Outline

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

III. Definitions and Key Terms

Term	Definition
Closed meeting records	“Closed meeting records” means the recordings; minutes; documents; and member voting records, if any, from a closed meeting by the commission.
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.

IV. Rules

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

a. Before closing a meeting

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

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

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

28 Only members and presenters may attend a closed meeting.

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

35 The secretary’s duties are (1) documenting closed meeting records, including recording the
36 closed meeting; (2) providing the Legislative Coordinating Commission (LCC) closed meeting
37 records within seven days of the closed meeting; (3) collecting confidential materials from the
38 closed meeting at the meeting’s conclusion, excluding, if necessary, a presenter’s own
39 confidential materials; and (4) reading aloud the scripted reminder about confidentiality
40 developed under paragraph (c).

41 **c. Confidentiality reminder**

42 At the beginning of every closed meeting, the secretary must read aloud a scripted reminder
43 developed by the LCC about the obligations of members and presenters to maintain the
44 confidentiality of information exchanged during the closed meeting.

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

46 All members and presenters must be provided a copy of these rules before the member’s or
47 presenter’s first closed meeting of the commission.

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

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

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52 **f. Physical requirements**

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54 Before entering a closed meeting, members are encouraged and presenters are required to turn
55 off or not bring into the closed meeting any electronic devices, including computers, cell phones,
56 smart watches, or similar technology.
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58 Except as provided in paragraph (g), only the secretary may remove confidential materials from
59 a closed meeting's location at the conclusion of the closed meeting.

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61 **g. Presenters**

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

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70 **h. LCC closed meeting records storage**

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72 The LCC must store closed meetings records in a manner that is consistent with practices to
73 protect confidential data.

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75 **i. Public release of closed meeting records**

76 Minnesota Statutes, section 3.888, subdivision 5, states that closed meeting records maintained
77 by the LCC "shall not be made available to the public until eight years after the date of the [closed]
78 meeting." Before making the closed meeting records public, the commission recommends that
79 the LCC review the records to determine if making the closed meeting records public creates an
80 unreasonable cybersecurity risk to the state. If the LCC determines that making the closed
81 meeting records public does not create an unreasonable cybersecurity risk to the state, then the
82 commission recommends that the LCC release the closed meeting records to the public. If the
83 LCC determines that the public release of closed meeting records creates an unreasonable
84 cybersecurity risk to the state, the commission recommends that the LCC not release the closed
85 meeting records to the public and that the LCC meet every two years thereafter to reevaluate
86 whether the closed meeting records should be made public.

87 **j. Alleged member violations**

88 A member who is alleged to have violated the confidentiality of a closed meeting may be reported
89 to the legislative committee with jurisdiction over ethical conduct. A member reported to a
90 legislative committee with jurisdiction over ethical conduct for allegedly violating the
91 confidentiality of a closed meeting must not participate in other closed meetings of the
92 commission, if any, unless the legislative committee with jurisdiction over ethical conduct
93 determines that the member did not violate the confidentiality of the closed meeting.

94 **V. Reasonable Accommodations**

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