



# 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 **l. 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.