

## CHAPTER 242 - INFORMATION SERVICES

**[After passage of 2015 “Bill to Position Agencies for Evolving Information Services”]**

[Section numbers have not been modified.]

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## SERVICES

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## GENERAL PROVISIONS

NRS 242.011 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 242.013 to 242.068, inclusive, have the meanings ascribed to them in those sections.

NRS 242.013 “Administrator” defined. “Administrator” means the Administrator of the Division.

NRS 242.031 “Department” defined. “Department” means the Department of Administration.

NRS 242.045 “Division” defined. “Division” means the Division of Information Services of the Department.

NRS 242.051 “Equipment” defined. “Equipment” means any machine or device designed for the automatic handling of information, including but not limited to recording, storage, transmission and retrieval.

NRS 242.055 “Information service” defined. “Information service” means any service relating to the creation, maintenance, operation, security validation, testing, continuous monitoring or use of an information system.

NRS 242.057 “Information system” defined. “Information system” means any communications or computer equipment, computer software, procedures, personnel or technology used to collect, process, distribute or store information.

NRS 242.059 “Information technology” defined. “Information technology” means any information, information system or information service acquired, developed, operated, maintained or otherwise used.

NRS 242.061 “Local governmental agency” defined. “Local governmental agency” means any branch, agency, bureau, board, commission, department or division of a county, incorporated city or town in this State.

NRS 242.063 “Security validation” defined. “Security validation” means a process or processes used to ensure that an information system or a network associated with an information system is resistant to any known threat.

NRS 242.068 “Consolidated agency” defined. “Consolidated agency” means an agency of the state for which the Division of Information Services provides common services.

NRS 242.064 “Common services” defined. “Common Services” means those information services typically provided to State employees and may include, without limitation, desktop and mobile computing capability, desktop and mobile telephony capability, end point security services (anti-virus, monitoring, patching), Internet access, document production and management capability, and help desk and desktop/mobile support.

NRS 242.065 “Specialized services” defined. “Specialized Services” means those information services provided by the Division of Information Services to other agencies

and may include, without limitation, server, mainframe, and wide area network capabilities that support agency programs.

NRS 242.065 “Enterprise services” defined. “Enterprise Services” means those services, common or specialized, provided by the Division of Information Services to all, or nearly all, Executive Branch agencies.

NRS 242.071 Purposes of Division of Information Services.

The purposes of the Division are:

1. To furnish common and specialized services to the following consolidated agencies:

- (a) The Department of Administration, and
- (b) The Department of Public Safety.

~~2. To furnish such specialized services to other state agencies as may be mutually agreed. [Provision to sunset on July 1, 2017]~~

3. To furnish such enterprise services to Executive Branch Agencies as the Governor may direct.

## DIVISION OF INFORMATION SERVICES

NRS 242.080 Creation; composition.

1. The Division of Information Services of the Department is hereby created.
2. The Division consists of the Administrator and such personnel as the Administrator deems necessary and appropriate to carry out the provisions of this Chapter.

NRS 242.090 Administrator: Appointment; classification; other employment prohibited.

1. The Director of the Department shall appoint the Administrator in the unclassified service of the State after consultation with the Administrator of the Division of Human Resource Management.

2. The Administrator serves at the pleasure of, and is responsible to, the Director of the Department.

NRS 242.101 Administrator: General powers and duties.

1. The Administrator shall, subject to such budget account restrictions and associated policies as the staffs of the Legislative Council Bureau and the Budget Division may mutually agree:

(a) Manage and control the state network pursuant to best industry practices, including those relating to physical and information security;

(b) Manage and control any state data center and any augmenting or replacement facilities pursuant to best industry practices, including those relating to physical and information security;

(c) Inform the Information Technology Advisory Board of deviations from best industry practices;

(d) Inform the Administrative Services Division of the common and specialized services provided by the Division of Information Services and the cost pool components of each service for billing and collection purposes;

(e) Employ and manage such classified and unclassified personnel as he or she deems necessary and appropriate to carry out the provisions of this Chapter. Clerical personnel are in the classified service of the State; and

(f) Administer the provisions of this chapter, and

(g) Carry out other duties and exercise other powers specified by law.

2. The Administrator may form committees to establish standards and determine criteria for evaluation of standards and policies relating to informational services.

NRS 242.111 Regulations, Standards, and Policies. The Administrator shall adopt regulations, standards, and policies that he or she deems necessary for the administration of this chapter, including those that:

1. Manage the human resources of the Division;

2. Advance the security and efficiency of the information systems of the Executive Branch;

3. Manage and control the state network pursuant to best industry practices, including those relating to physical and information security; and

4. Manage and control any state data center and any augmenting or replacement facilities pursuant to best industry practices, including those relating to physical and information security.

## SERVICES

**[The following section, NRS 242.131 will sunset on July 1, 2017, at which time it will be superseded by NRS 242.071 as amended and implementing standards and regulations per 242.111 as amended.]**

~~NRS 242.131 Services provided for agencies and elected officers of State: Negotiation; withdrawal; contracts to provide services.~~

~~1. The Division shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.~~

~~2. The following agencies may negotiate with the Division for its services or the use of its equipment, subject to the provisions of this chapter, and the Division shall provide those services and the use of that equipment as may be mutually agreed:~~

~~(a) The Court Administrator;~~

~~(b) The Department of Motor Vehicles;~~

~~(c) The Department of Public Safety;~~

~~(d) The Department of Transportation;~~

~~(e) The Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(f) The Department of Wildlife;~~

~~(g) The Housing Division of the Department of Business and Industry;~~

~~(h) The Legislative Counsel Bureau;~~

~~(i) The State Controller;~~

~~(j) The State Gaming Control Board and Nevada Gaming Commission; and~~

.....(k).....The Nevada System of Higher Education.

.....3.....Any state agency or elected state officer who uses the services of the Division and desires to withdraw substantially from that use must apply to the Administrator for approval. The application must set forth justification for the withdrawal. If the Administrator denies the application, the agency or officer must:

.....(a).....If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

.....(b).....If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The Administrator shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

.....4.....If the demand for services or use of equipment exceeds the capability of the Division to provide them, the Division may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

NRS 242.181 Adherence by agencies to regulations; reporting of certain incidents; uniformity of services.

1. Any state agency that receives any service from the Division shall adhere to the relevant regulations, standards and policies of the Division. Failure to adhere to relevant regulations, standards or policies may, in the discretion of the Administrator, result in termination of the affected service.

2. Each state agency described in subsection 1 shall report any suspected incident of:

(a) Unauthorized access to an information system or application of an information system of the Division used by the state agency; and

(b) Noncompliance with the regulations, and standards of the Division that is identified by the Division as security-related,

Ê to the Administrator of the Division, or his designee, within 24 hours after discovery of the suspected incident. The Administrator shall assist in the investigation and resolution of any such incident.

3. Any state agency that provides its own, internal information technology services shall report any suspected incident of unauthorized access to the Governor and to the Administrator within 24 hours after the discovery of the suspected incident.

4. The Division shall provide services to each state agency described in subsection 1 uniformly with respect to degree of service, priority of service, availability of service and cost of service.

NRS 242.183 Investigation, resolution and notification of certain breaches or applications of information systems or certain unauthorized acquisitions of computerized data.

1. The Division shall investigate and resolve any breach of an information system related to the common, specialized or enterprise services provided by the Division that materially compromises the security, confidentiality or integrity of such an information system.

2. The Governor may order the investigation and resolution of any breach of an information system related to the information technology services a state agency provides for itself. Lack of budgeted funds shall not delay such investigation and resolution. If the Division is ordered by the Governor to conduct any such investigation and resolution, the Fund for Information Technology shall be fully compensated by the relevant state agency.

3. The Administrator or his or her designee, at his or her discretion, may inform members of the Technological Crime Advisory Board created by NRS 205A.040, the Nevada Commission on Homeland Security created by NRS 239C.120 and the Information Technology Advisory Board created by NRS 242.122 of any breach of an information system of a state agency or application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.

## MISCELLANEOUS PROVISIONS

NRS 242.300 Policy of state agency for appropriate use of computers by employees of agency.

1. A state agency that uses at least one computer in the course of its work shall:

(a) Create a written policy setting forth the appropriate uses of the computers of the state agency; and



(b) Provide all employees of the state agency with a copy of the written policy.

2. As used in this section, “state agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the government of this State.

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