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The Honorable Rob Bradley

The Florida Senate

208 Senate Office Building

404 South Monroe Street

Tallahassee, FL 32399-1100

Re: SB 776 Exemption/Cyber Security - Utilities

Dear Senator Bradley:

We are writing to express our concerns regarding SB 776, creating a public record exemption for certain information relating to the information technology security of utility agencies. Of particular concern is the provision exempting the name of the firm providing security services to a utility agency and we respectfully request that SB 776 be amended to delete this provision.

The bill specifically exempts the name of the firm providing security, allegedly to protect against potential breaches. Such an exemption shields information about potentially deficient security systems and precludes any opportunity for governmental oversight and accountability. Citizens have a right – and a responsibility – to know what entity is providing technological security to their public utility and whether that security is adequate or lacking.

In addition, the legislation asserts that releasing such information is dangerous because disclosure "could result in the identification of vulnerabilities." But surely, Senator Bradley, the identity of security system providers could not, in and of itself, result in identifying the

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vulnerabilities of security protocols and programs. Indeed, if that were the case, then we would argue public oversight is even more critical. Technological innovation does not typically thrive in a vacuum, nor should it arise at the expense of the public's constitutional right of access.

More importantly, the bill seeks to address a harm that is merely conjectural. It hypothesizes future harms that have yet to arise and provides no evidence supporting the current need for this specific exemption. The statement of public necessity must be factually specific – a potential threat of mischief is conjectural at best, and does not meet the constitutional standard for the creation of new exemptions.

For these reasons, Senator Bradley, we ask that SB 776 be amended to delete the exemption for the identity of those providing security services. Thank you for your attention to our concerns. If we may be of any assistance, please do not hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Andy Gardiner, President, Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association