



The Protecting Cyber Networks Act

While 2014 was the year of the cyber breach, 2015 is on track to be worse. High-profile cyber attacks have become common conversation topics in the boardroom and at the dinner table. Every day, nation-state actors and criminals target Americans' health records, social security numbers, and other private information. They also steal U.S. businesses' most valuable trade secrets as well as sensitive government information vital to the security of our nation. These cyber-criminals and states are also capable of significant offensive cyber attacks that could degrade or damage vital private-sector infrastructure such as electrical grids.

The *Protecting Cyber Networks Act* enables private companies to voluntarily share cyber threat indicators with one another and to voluntarily share these indicators with the federal government so long as it does **not go through the NSA or the Department of Defense**, all while providing strong protections for privacy and civil liberties.

Voluntary information-sharing among companies helps businesses defend themselves against cyber attacks, while voluntary, two-way information sharing with the federal government helps officials get out better information faster on cyber threats.

Strong Protections for Privacy and Civil Liberties: The *Protecting Cyber Networks Act* only permits voluntary sharing by the private sector of a limited category of information—cyber threat indicators—and only permits the sharing of such information for cybersecurity purposes. The bill also:

- Protects privacy by prohibiting the government from forcing private sector entities to provide information to the government.
- Requires companies to remove personal information before they share cyber threat indicators with the government.
- Requires the federal agency that receives cyber threat indicators to perform a second check to remove personal information before sharing the indicators with other relevant federal agencies.

- Strictly limits the private-to-private and private-to-government sharing to cyber threat indicators and defensive measures to combat a cyber threat. The legislation does not allow for the sharing of information for non-cyber purposes.
- Imposes strict restrictions on the use, retention, and searching of any data voluntarily shared by the private sector with the government.
- Only provides liability protections for companies that share in good faith.
- Enforces these strong privacy and civil liberties protections by permitting individuals to sue the federal government for intentional privacy violations in federal court.
- Provides for strong public and congressional oversight by requiring a detailed biennial Inspectors General (IG) report of appropriate federal entities of the government's receipt, use, and dissemination of cyber threat indicators. The Privacy and Civil Liberties Oversight Board (PCLOB) must also submit a biennial report on the privacy and civil liberties impact of the Act.