

COMMISSION FILE NO: 17-087-9 **DATE INTRODUCED:** September 11, 2017

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Adoption of Commission Policy 1-21.03, Release of Critical Infrastructure Information

SUMMARY:

The Commission is requested to approve the creation of Commission Policy 1-21.03, Release of Critical Infrastructure Information. The Director of Legal Services, who is responsible to manage the information governance function for the District, recommends adoption of this Policy to clearly state the Commission's intent to protect from unnecessary release to third parties any critical infrastructure information where such release may pose a security risk to or create a vulnerability for the District, its employees, its assets and system, or the public health and welfare. The goal of this policy is to ensure protection of District facilities, assets, personnel, and the public health and welfare, while continuing to ensure full compliance with the Wisconsin Open Records Law, Wis. Stats. sec. 19.31, et seq.

ATTACHMENTS: **BACKGROUND** ☒ **KEY ISSUES** ☐ **RESOLUTION** ☒
FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☒ Commission Policy 1-21.03

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

BACKGROUND

Adoption of Commission Policy 1-21.03, Release of Critical Infrastructure Information

The proposed policy defines critical infrastructure information to mean “information concerning plant and building specifications, structure and infrastructure plans, facility locations and specifications, Supervisory Control and Data Acquisition information, security protocols and measures, geographic information systems facilities mapping, computing network details, computing system security, and includes any and all information regarding District facilities, equipment, or facility operating information, which may, if released to third parties, pose a security risk.” “Security risk” and “vulnerability” are terms defined in the policy based on definitions in the United States Department of Homeland Security, Risk Steering Committee Risk Lexicon, 2010 Edition.

The Wisconsin legislature has recognized the need for a policy statement to protect from public disclosure to third parties certain information related to what are called “secure structures” owned by certain public entities. Wisconsin Statutes, sec. 101.12(5), allow the State of Wisconsin and local municipalities to restrict public access to plans and related information for “secure structures”, which is defined by the statute to mean a building or other structure of a type which the department (Wisconsin Department of Safety and Professional Services), city, village, town, or county determines to have extraordinary security requirements, including, but not limited to, structures used for safekeeping large sums of money, a jail, correctional facility, for safekeeping of evidence in criminal proceedings, for the safekeeping of weapons, or explosives, or in the generation, transmission, or distribution of electric power, fuels, or communications. This statute does not include the District within its scope, because metropolitan sewerage districts are not listed among the public owners that may invoke this statute in the event of a request for information related to a secure structure. The purpose of this proposed Commission policy is to establish, by legislative act of the Commission, a similar policy statement recognizing that in certain cases where a security risk is posed, or a vulnerability is created, critical infrastructure information may be withheld from public release.

While District staff already employs the statutorily required balancing test for Open Records requests, the proposed policy will codify that critical infrastructure information will only be withheld from public release after the Custodian of Records or his/her designee determines that the possible harm to the public interest outweighs the benefit to the requester and to the public interest of allowing the requested inspection or copying. Further, the District will grant or deny the request or withhold the information from public access only upon such conditions as it determines are necessary to protect the public interest. It is the intent of this policy that full compliance with Wisconsin Open Records Law will continue to be maintained.

RESOLUTION

Adoption of Commission Policy 1-21.03, Release of Critical Infrastructure Information

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that Commission Policy 1-21.03, Release of Critical Infrastructure Information, is adopted, as shown in the attached policy.