

Proposed New Rule: District Court Cybersecurity Steering Committee

The Kansas Supreme Court is accepting public comment on a proposed new rule: District Court Cybersecurity Steering Committee in Rules Relating to District Courts.

Generally, this new rule would create the District Court Cybersecurity Steering Committee. The committee would be composed of judicial branch personnel and representatives from the executive branch, legislative branch, and various county governments. The committee would give input on district court operations related to cybersecurity and would help the Supreme Court and the Office of Judicial Administration determine cybersecurity requirements and procedures.

Comment may be made by email to publiccomments@kscourts.gov until noon Thursday, June 26, 2025. The subject line must read “District Court Cybersecurity Steering Committee” or “New Cyber Rule.”

NEW RULE

DISTRICT COURT CYBERSECURITY STEERING COMMITTEE

- (a) **Purpose.** The Supreme Court creates the District Court Cybersecurity Steering Committee to provide input on district court operations related to cybersecurity and to assist the Supreme Court and the Office of Judicial Administration (OJA) in determining cybersecurity requirements and procedures.
- (b) **Member Appointment.** The Supreme Court will appoint permanent members and members with term limits. The court may give special consideration to a person who meets any of the following qualifications:
 - (1) has knowledge or an understanding of the cybersecurity threats facing the district court, judicial district, or county;
 - (2) comes from an urban judicial district and has experience dealing with cybersecurity threats facing larger entities; and
 - (3) can provide a useful or unique perspective to the committee regardless of the person’s cybersecurity knowledge.
- (c) **Permanent Members.** The Supreme Court will appoint two types of permanent members—members with voting rights and members without voting rights.

- (1) **Members With Voting Rights.** The people serving in the following positions are permanent members with voting rights:
 - (A) the Judicial Branch judicial administrator;
 - (B) the Judicial Branch chief information technology officer;
 - (C) the Judicial Branch chief information security officer;
 - (D) the general counsel to the chief justice; and
 - (E) the chief counsel to the chief judge of the Court of Appeals.
- (2) **Members Without Voting Rights.** The people serving in the following positions are permanent members without voting rights:
 - (A) the Executive Branch chief information technology officer,
 - (B) the Executive Branch chief information security officer,
 - (C) the Legislative Branch chief information technology officer, and
 - (D) the Legislative Branch chief information security officer.
- (d) **Members With Term Limits.** The Supreme Court will appoint at least 12 voting members with term limits, including three district court chief judges; five members who serve as a district court administrator, a chief clerk administrator, or a clerk of the district court; and four county government representatives from rural, mid-size, and urban counties.
 - (1) **Inaugural Term Limits.** The inaugural members will serve the following terms:
 - (A) one chief judge for a term expiring on January 1, 2026;
 - (B) one chief judge for a term expiring on January 1, 2027;
 - (C) one chief judge for a term expiring on January 1, 2028;
 - (D) one district court administrator, chief clerk administrator, or clerk of the district court for a term expiring on January 1, 2026;
 - (E) two district court administrators, chief clerk administrators, or clerks of the district court for a term expiring on January 1, 2027;

- (F) two district court administrators, chief clerk administrators, or clerks of the district court for a term expiring on January 1, 2028;
 - (G) one representative of an urban county government for a term expiring on January 1, 2026;
 - (H) one representative of an urban county government and one representative of a mid-size county government for a term expiring on January 1, 2027; and
 - (I) one representative of a mid-size or rural county government for a term expiring on January 1, 2028.
- (2) **Subsequent Term Limit.** Other than the inaugural members under subsection (d)(1), the Supreme Court will appoint each member under subsection (d) for a 3-year term. No member may serve more than two consecutive 3-year terms, except that a member initially appointed for less than 3 years may serve two more consecutive 3-year terms. A member may serve one or more additional terms after a break in service.
- (3) **Vacancy.** The Supreme Court will appoint a new member to fill a vacancy under this subsection occurring during a term. A person appointed to fill a vacancy will serve the unexpired term of the previous member. A vacancy occurs under any of the following circumstances:
- (A) a member informs the Supreme Court that the member no longer wants to serve on the committee;
 - (B) the Supreme Court notifies the member that it is in the Judicial Branch's best interests to remove the member; or
 - (C) the Supreme Court determines that the member is no longer qualified for appointment.
- (e) **Committee Chairs.** The judicial administrator is a permanent committee co-chair. The Supreme Court will designate another committee co-chair whose inaugural term will expire on January 1, 2026. The Supreme Court will designate a subsequent co-chair for a 2-year term that begins on January 1 of the year the previous term expires.
- (f) **Additional Member.** At a co-chair's request, the Supreme Court may appoint an additional member to assist the committee for a term not to exceed 3 years.

- (g) **Duties and Responsibilities.** The committee has the following duties and responsibilities:
- (1) outline the relevant industry standards that the committee will use;
 - (2) examine and evaluate current district court network security measures and identify any differences from the industry standards outlined under subsection (g)(1);
 - (3) examine and evaluate potential enhancements to current security measures and controls across the district courts to address any differences identified under subsection (g)(2);
 - (4) seek and receive input on viable network security policies and alternatives from persons and entities providing information services to district courts;
 - (5) provide input on county-owned hardware and software connected to the Judicial Branch electronic network;
 - (6) identify any needed improvements and recommend solutions;
 - (7) consider and articulate financial, practical, and logistical limitations of expanded security measures;
 - (8) collaborate on a shared incident response plan and continuity of operations plans that include access to court records; and
 - (9) perform any other function necessary to fulfill the committee's purpose.
- (h) **Subcommittees.** The co-chairs may create subcommittees as necessary to fulfill the committee's duties and responsibilities. The co-chairs will designate subcommittee members and a chair or co-chairs.
- (i) **Committee Reports.** The committee must submit the following written reports to the Supreme Court.
- (1) **Initial Report.** No later than December 31, 2025, the committee must submit a written report of its initial findings and recommendations.
 - (2) **Annual Report.** No later than December 31 of each year beginning in 2026, the committee must review its prior findings and recommendations and submit an updated report.

- (j) **Meetings.** The committee will meet at least once every two months and as necessary to fulfill the committee's duties and responsibilities.
- (k) **Confidentiality.** The following confidentiality provisions apply.
 - (1) **Disclosure Generally.** The Committee's work product, discussions, records, reports, and all other documents are private, confidential, and not subject to disclosure except as provided in this rule or by Supreme Court order.
 - (2) **TLP Designations.** The committee must label all information using the Traffic Light Protocol (TLP) 2.0 published by the Forum of Incident Response and Security Teams (FIRST). The committee must use the TLP designations when determining whether to share potentially sensitive information.
 - (3) **Authorized Sharing.** A member may share information if authorized by the TLP designation.
 - (4) **Consultation Required.** After consultation with OJA's general counsel, the committee may change the TLP designation for any relevant information or otherwise disclose any relevant information to any person or entity.
 - (5) **Agreement Required.** Prior to disclosure under (k)(4), the committee must require the person or entity receiving the information to enter into an agreement that limits further disclosure or use of the information. The person or entity must also agree to promptly notify OJA's general counsel of a request or subpoena for the information and to cooperate with OJA in opposing the request or subpoena.
 - (6) **KORA Inapplicable.** Under K.S.A. 45-221(a)(1), records of the committee and any subcommittee are exempt from disclosure under the Kansas Open Records Act even if the committee or a member disclose them to a person or entity under subsection (k).
 - (7) **KOMA Inapplicable.** The committee and any subcommittee are exempt from the Kansas Open Meetings Act.
- (l) **Third-Party Services.** With Supreme Court approval, the committee may employ or otherwise obtain services from a third party to assist the committee in carrying out its duties and responsibilities.

- (m) **Compensation, Reimbursement, and Expenses.** Members will serve without compensation, but the Supreme Court will reimburse members for their necessary expenses. The court will pay from available funds the committee's reasonable costs, fees, and expenses.
- (n) **OJA Support.** OJA will provide administrative support for the committee and any subcommittees.