

By: Shaheen

H.B. No. 307

A BILL TO BE ENTITLED

1 AN ACT
2 relating to state agency and local government security incident
3 procedures.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2054.1125, Government Code, is
6 transferred to Subchapter R, Chapter 2054, Government Code,
7 redesignated as Section 2054.603, Government Code, and amended to
8 read as follows:

9 Sec. 2054.603 [~~2054.1125~~]. SECURITY INCIDENT [~~BREACH~~]
10 NOTIFICATION BY STATE AGENCY OR LOCAL GOVERNMENT. (a) In this
11 section:

12 (1) "Security incident" means the unauthorized
13 access, disclosure, exposure, modification, or destruction of
14 sensitive personal information, confidential information, or other
15 information the disclosure of which is regulated by law, including:

16 (A) a breach [~~"Breach"~~] of system security as
17 defined [~~"security" has the meaning assigned~~] by Section 521.053,
18 Business & Commerce Code; and

19 (B) ransomware as defined by Section 33.023,
20 Penal Code.

21 (2) "Sensitive personal information" has the meaning
22 assigned by Section 521.002, Business & Commerce Code.

23 (b) A state agency or local government that owns, licenses,
24 or maintains computerized data that includes sensitive personal

1 information, confidential information, or information the
2 disclosure of which is regulated by law shall, in the event of a
3 security incident [~~breach or suspected breach of system security or~~
4 ~~an unauthorized exposure of that information~~]:

5 (1) comply with the notification requirements of
6 Section 521.053, Business & Commerce Code, to the same extent as a
7 person who conducts business in this state; [~~and~~]

8 (2) not later than 72 [~~48~~] hours after the discovery of
9 the security incident [~~breach, suspected breach, or unauthorized~~
10 ~~exposure~~], notify:

11 (A) the department, including the chief
12 information security officer, and the Texas Division of Emergency
13 Management; or

14 (B) if the security incident [~~breach, suspected~~
15 ~~breach, or unauthorized exposure~~] involves election data, the
16 secretary of state; and

17 (3) comply with all department rules relating to
18 security incidents.

19 (c) Not later than the 10th business day after the date of
20 the eradication, closure, and recovery from a security incident
21 [~~breach, suspected breach, or unauthorized exposure~~], a state
22 agency or local government shall notify the department, including
23 the chief information security officer, and the Texas Division of
24 Emergency Management of the details of the security incident
25 [~~event~~] and include in the notification an analysis of the cause of
26 the security incident [~~event~~].

27 (d) The department shall make available to state agencies

1 and local governments a secure method for submitting the security
2 incident information required by this section. All information
3 provided under this section is confidential and is not subject to
4 disclosure under Chapter 552.

5 SECTION 2. This Act takes effect December 1, 2021.