

By: Lalani

H.B. No. 4761

A BILL TO BE ENTITLED

AN ACT

relating to the notification required following a breach of security of computerized data.

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

SECTION 1. Sections 521.053(b) and (i), Business & Commerce Code, are amended to read as follows:

(b) A person who conducts business in this state and owns or licenses computerized data that includes sensitive personal information shall disclose any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made without unreasonable delay and in each case not later than the 30th [~~60th~~] day after the date on which the person determines that the breach occurred, except as provided by Subsection (d) or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

(i) A person who is required to disclose or provide notification of a breach of system security under this section shall notify the attorney general of that breach not later than the 30th [~~60th~~] day after the date on which the person determines that the breach occurred if the breach involves at least 250 residents of this state. The notification under this subsection must include:

(1) a detailed description of the nature and

1 circumstances of the breach or the use of sensitive personal
2 information acquired as a result of the breach;

3 (2) the number of residents of this state affected by
4 the breach at the time of notification;

5 (3) the number of affected residents that have been
6 sent a disclosure of the breach by mail or other direct method of
7 communication at the time of notification;

8 (4) the measures taken by the person regarding the
9 breach;

10 (5) any measures the person intends to take regarding
11 the breach after the notification under this subsection; and

12 (6) information regarding whether law enforcement is
13 engaged in investigating the breach.

14 SECTION 2. This Act takes effect September 1, 2023.