

1-1 By: Parker S.B. No. 768
 1-2 (In the Senate - Filed February 7, 2023; March 1, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 March 27, 2023, reported favorably by the following vote: Yeas 10,
 1-5 Nays 0; March 27, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the process for notifying the attorney general of a
 1-22 breach of security of computerized data by persons doing business
 1-23 in this state.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Sections 521.053(i) and (j), Business & Commerce
 1-26 Code, are amended to read as follows:

1-27 (i) A person who is required to disclose or provide
 1-28 notification of a breach of system security under this section
 1-29 shall notify the attorney general of that breach as soon as
 1-30 practicable and not later than the 30th [60th] day after the date on
 1-31 which the person determines that the breach occurred if the breach
 1-32 involves at least 250 residents of this state. The notification
 1-33 under this subsection must be submitted electronically using a form
 1-34 accessed through the attorney general's Internet website and must
 1-35 include:

1-36 (1) a detailed description of the nature and
 1-37 circumstances of the breach or the use of sensitive personal
 1-38 information acquired as a result of the breach;

1-39 (2) the number of residents of this state affected by
 1-40 the breach at the time of notification;

1-41 (3) the number of affected residents that have been
 1-42 sent a disclosure of the breach by mail or other direct method of
 1-43 communication at the time of notification;

1-44 (4) the measures taken by the person regarding the
 1-45 breach;

1-46 (5) any measures the person intends to take regarding
 1-47 the breach after the notification under this subsection; and

1-48 (6) information regarding whether law enforcement is
 1-49 engaged in investigating the breach.

1-50 (j) The attorney general shall post on the attorney
 1-51 general's publicly accessible Internet website:

1-52 (1) an electronic form for submitting a notification
 1-53 under Subsection (i); and

1-54 (2) a listing of the notifications received by the
 1-55 attorney general under Subsection (i), excluding any sensitive
 1-56 personal information that may have been reported to the attorney
 1-57 general under that subsection, any information that may compromise
 1-58 a data system's security, and any other information reported to the
 1-59 attorney general that is made confidential by law. The attorney
 1-60 general shall:

1-61 (A) [~~1~~] update the listing not later than the

2-1 30th day after the date the attorney general receives notification
2-2 of a new breach of system security;
2-3 (B) [~~(2)~~] remove a notification from the listing
2-4 not later than the first anniversary of the date the attorney
2-5 general added the notification to the listing if the person who
2-6 provided the notification has not notified the attorney general of
2-7 any additional breaches under Subsection (i) during that period;
2-8 and
2-9 (C) [~~(3)~~] maintain only the most recently
2-10 updated listing on the attorney general's website.
2-11 SECTION 2. This Act takes effect September 1, 2023.

2-12

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