

By: Dunnam

H.B. No. 3513

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duty to protect and safeguard sensitive personal
3 information.

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

5 SECTION 1. Section 521.052, Business and Commerce Code, as
6 added by Chapter 885 (H.B. 2278), Acts of the 80th Legislature,
7 Regular Session, 2007, is amended to read as follows

8 Sec. 521.052. BUSINESS DUTY TO PROTECT SENSITIVE PERSONAL
9 INFORMATION. (a) A business shall implement and maintain
10 reasonable procedures, including taking any appropriate corrective
11 action, to protect from unlawful use or disclosure any sensitive
12 personal information collected or maintained by the business in the
13 regular course of business.

14 (b) A business shall destroy or arrange for the destruction
15 of customer records containing sensitive personal information
16 within the business's custody or control that are not to be retained
17 by the business by:

18 (1) shredding;

19 (2) erasing; or

20 (3) otherwise modifying the sensitive personal
21 information in the records to make the information unreadable or
22 indecipherable through any means.

23 (c) This section does not apply to a financial institution
24 as defined by 15 U.S.C. Section 6809.

1 (d) As used in this section, "business" includes a nonprofit
2 athletic or sports association.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.