

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 21, 2009

TO: Honorable Joe Deshotel, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB345 by Elkins (Relating to a business's duty to protect sensitive personal information contained in its customer records.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Business and Commerce Code relating to the protection of personal information in customer records by businesses that use access devices. The bill would authorize the Attorney General to obtain actual damages on behalf of a financial institution for actual damages and costs suffered as a result of a security breach linked to a failure to reasonably protect information derived from an access device.

Based on information provided by the Department of Banking, Office of Consumer Credit, Department of Savings and Mortgage Lending, Credit Union Department, Attorney General, and Office of Court Administration, it is assumed that costs associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 212 Office of Court Administration, Texas Judicial Council, 450 Department of Savings and Mortgage Lending, 451 Department of Banking, 466 Office of Consumer Credit Commissioner, 469 Credit Union Department

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