

AN ACT

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

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

SECTION 1. Subsections (b-1) and (e), Section 521.053, Business & Commerce Code, are amended to read as follows:

(b-1) If ~~[Notwithstanding Subsection (b), the requirements of Subsection (b) apply only if]~~ the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident ~~[of this state or another state that does not require a person described by Subsection (b) to notify the individual of a breach of system security. If the individual is a resident]~~ of a state that requires a person described by Subsection (b) to provide notice of a breach of system security, the notice of the breach of system security required under Subsection (b) may be provided under that state's law or under ~~[satisfies the requirements of]~~ Subsection (b).

(e) A person may give notice as required by Subsection (b) or (c) by providing:

(1) written notice at the last known address of the individual;

(2) electronic notice, if the notice is provided in accordance with 15 U.S.C. Section 7001; or

1 (3) notice as provided by Subsection (f).

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1610 passed the Senate on April 25, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1610 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 148, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor