

By: Capriglione

H.B. No. 3746

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain notifications required following a breach of
3 security of computerized data.

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

5 SECTION 1. Section 521.053, Business & Commerce Code, is
6 amended by amending Subsection (i) and adding Subsection (j) to
7 read as follows:

8 (i) A person who is required to disclose or provide
9 notification of a breach of system security under this section
10 shall notify the attorney general of that breach not later than the
11 60th day after the date on which the person determines that the
12 breach occurred if the breach involves at least 250 residents of
13 this state. The notification under this subsection must include:

14 (1) a detailed description of the nature and
15 circumstances of the breach or the use of sensitive personal
16 information acquired as a result of the breach;

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

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

22 (4) the measures taken by the person regarding the
23 breach;

24 (5) [~~(4)~~] any measures the person intends to take

1 regarding the breach after the notification under this subsection;
2 and

3 (6) [~~(5)~~] information regarding whether law
4 enforcement is engaged in investigating the breach.

5 (j) The attorney general shall post on the attorney
6 general's publicly accessible Internet website a listing of the
7 notifications received by the attorney general under Subsection
8 (i), excluding any sensitive personal information that may have
9 been reported to the attorney general under that subsection, any
10 information that may compromise a data system's security, and any
11 other information reported to the attorney general that is made
12 confidential by law. The attorney general shall:

13 (1) update the listing not later than the 30th day
14 after the date the attorney general receives notification of a new
15 breach of system security;

16 (2) remove a notification from the listing not later
17 than the first anniversary of the date the attorney general added
18 the notification to the listing if the person who provided the
19 notification has not notified the attorney general of any
20 additional breaches under Subsection (i) during that period; and

21 (3) maintain only the most recently updated listing on
22 the attorney general's website.

23 SECTION 2. This Act takes effect September 1, 2021.