

1-1 By: Capriglione (Senate Sponsor - Nelson) H.B. No. 3746  
1-2 (In the Senate - Received from the House May 3, 2021;  
1-3 May 6, 2021, read first time and referred to Committee on Business  
1-4 & Commerce; May 20, 2021, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 20, 2021, 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 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to certain notifications required following a breach of  
1-20 security of computerized data.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 521.053, Business & Commerce Code, is  
1-23 amended by amending Subsection (i) and adding Subsection (j) to  
1-24 read as follows:

1-25 (i) A person who is required to disclose or provide  
1-26 notification of a breach of system security under this section  
1-27 shall notify the attorney general of that breach not later than the  
1-28 60th day after the date on which the person determines that the  
1-29 breach occurred if the breach involves at least 250 residents of  
1-30 this state. The notification under this subsection must include:

1-31 (1) a detailed description of the nature and  
1-32 circumstances of the breach or the use of sensitive personal  
1-33 information acquired as a result of the breach;

1-34 (2) the number of residents of this state affected by  
1-35 the breach at the time of notification;

1-36 (3) the number of affected residents that have been  
1-37 sent a disclosure of the breach by mail or other direct method of  
1-38 communication at the time of notification;

1-39 (4) the measures taken by the person regarding the  
1-40 breach;

1-41 (5) ~~(4)~~ any measures the person intends to take  
1-42 regarding the breach after the notification under this subsection;  
1-43 and

1-44 (6) ~~(5)~~ information regarding whether law  
1-45 enforcement is engaged in investigating the breach.

1-46 (j) The attorney general shall post on the attorney  
1-47 general's publicly accessible Internet website a listing of the  
1-48 notifications received by the attorney general under Subsection  
1-49 (i), excluding any sensitive personal information that may have  
1-50 been reported to the attorney general under that subsection, any  
1-51 information that may compromise a data system's security, and any  
1-52 other information reported to the attorney general that is made  
1-53 confidential by law. The attorney general shall:

1-54 (1) update the listing not later than the 30th day  
1-55 after the date the attorney general receives notification of a new  
1-56 breach of system security;

1-57 (2) remove a notification from the listing not later  
1-58 than the first anniversary of the date the attorney general added  
1-59 the notification to the listing if the person who provided the  
1-60 notification has not notified the attorney general of any  
1-61 additional breaches under Subsection (i) during that period; and

2-1 (3) maintain only the most recently updated listing on  
2-2 the attorney general's website.

2-3 SECTION 2. This Act takes effect September 1, 2021.

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