

By: Shaheen

H.B. No. 4395

A BILL TO BE ENTITLED

AN ACT

relating to state and local governments requirements to report security incidents to the Department of Information Resources.

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

Sec. 2054.1125. SECURITY INCIDENT ~~BREACH~~ NOTIFICATION BY STATE AGENCY OR LOCAL GOVERNMENT. (a) In this section:

(1) "Security incident ~~Breach of system security~~" means the actual or suspected unauthorized disclosure, exposure, or modification of sensitive personal information, confidential information, or other regulated information including a breach or suspected breach of system security as defined ~~has the meaning assigned~~ by Section 521.053, Business & Commerce Code, including ransomware as defined by Section 33.023 Penal Code.

(2) "Sensitive personal information" has the meaning assigned by Section 521.002, Business & Commerce Code.

(b) A state agency or local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident ~~breach or suspected breach of system security or an unauthorized exposure of that information:~~

(1) comply with the notification requirements of Section 521.053, Business & Commerce Code, to the same extent as a person who conducts business in this state; ~~and~~

1 (2) not later than 48 hours after the discovery of the
2 breach, suspected breach, or unauthorized exposure, notify:

3 (A) the department, including the chief
4 information security officer; or

5 (B) if the security incident ~~breach, suspected~~
6 ~~breach, or unauthorized exposure~~ involves election data, the
7 secretary of state; and

8 (3) comply with all rules relating to security
9 incidents adopted by the department.

10 (c) Not later than the 10th business day after the date of
11 the eradication, closure, and recovery from a security incident
12 ~~breach, suspected breach, or unauthorized exposure~~, a state agency
13 or local government shall notify the department, including the
14 chief information security officer, of the details of the event and
15 include in the notification an analysis of the cause of the event.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2021.