

AN ACT

relating to state agency and local government security incident procedures.

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

SECTION 1. Section 2054.1125, Government Code, is transferred to Subchapter R, Chapter 2054, Government Code, redesignated as Section 2054.603, Government Code, and amended to read as follows:

Sec. 2054.603 [~~2054.1125~~]. SECURITY INCIDENT [~~BREACH~~] NOTIFICATION BY STATE AGENCY OR LOCAL GOVERNMENT. (a) In this section:

(1) "Security incident" means:

(A) a breach or suspected breach [~~"Breach"~~] of system security as defined [~~security" has the meaning assigned~~] by Section 521.053, Business & Commerce Code; and

(B) the introduction of ransomware, as defined by Section 33.023, Penal Code, into a computer, computer network, or computer system.

(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

1 security incident [~~breach or suspected breach of system security or~~
2 ~~an unauthorized exposure of that information~~]:

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

6 (2) not later than 48 hours after the discovery of the
7 security incident [~~breach, suspected breach, or unauthorized~~
8 ~~exposure~~], notify:

9 (A) the department, including the chief
10 information security officer; or

11 (B) if the security incident [~~breach, suspected~~
12 ~~breach, or unauthorized exposure~~] involves election data, the
13 secretary of state; and

14 (3) comply with all department rules relating to
15 reporting security incidents as required by this section.

16 (c) Not later than the 10th business day after the date of
17 the eradication, closure, and recovery from a security incident
18 [~~breach, suspected breach, or unauthorized exposure~~], a state
19 agency or local government shall notify the department, including
20 the chief information security officer, of the details of the
21 security incident [~~event~~] and include in the notification an
22 analysis of the cause of the security incident [~~event~~].

23 (d) This section does not apply to a security incident that
24 a local government is required to report to an independent
25 organization certified by the Public Utility Commission of Texas
26 under Section 39.151, Utilities Code.

27 SECTION 2. This Act takes effect September 1, 2023.

S.B. No. 271

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 271 passed the Senate on March 21, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 271 passed the House on May 6, 2023, by the following vote: Yeas 134, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor