

By: Johnson

S.B. No. 271

A BILL TO BE ENTITLED

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 the actual or suspected unauthorized access, disclosure, exposure, modification, or destruction of sensitive personal information, confidential information, or other information the disclosure of which is regulated by law, including:

(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.

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

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

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

13 (A) the department, including the chief
14 information security officer; or

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

18 (3) comply with all department rules relating to
19 security incidents.

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

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