By: Johnson S.B. No. 271

(In the Senate - Filed December 8, 2022; February 15, 2023, read first time and referred to Committee on Business & Commerce; March 16, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 0; March 16, 2023, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	Absent	PNV
Schwertner	X			
King	X			
Birdwell	X			
Campbell	X			
Creighton	X			
Johnson	X			
Kolkhorst	X			
Menéndez	X			
Middleton	X			
Nichols	X			
Zaffirini	X			

COMMITTEE SUBSTITUTE FOR S.B. No. 271 By: Johnson

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:

(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 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~~]

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

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

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

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

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

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

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

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