

By: Parker

S.B. No. 768

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the process for notifying the attorney general of a
3 breach of security of computerized data by persons doing business
4 in this state.

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

6 SECTION 1. Sections 521.053(i) and (j), Business & Commerce
7 Code, are amended to read as follows:

8 (i) A person who is required to disclose or provide
9 notification of a breach of system security under this section
10 shall notify the attorney general of that breach as soon as
11 practicable and not later than the 30th [~~60th~~] day after the date on
12 which the person determines that the breach occurred if the breach
13 involves at least 250 residents of this state. The notification
14 under this subsection must be submitted electronically using a form
15 accessed through the attorney general's Internet website and must
16 include:

17 (1) a detailed description of the nature and
18 circumstances of the breach or the use of sensitive personal
19 information acquired as a result of the breach;

20 (2) the number of residents of this state affected by
21 the breach at the time of notification;

22 (3) the number of affected residents that have been
23 sent a disclosure of the breach by mail or other direct method of
24 communication at the time of notification;

1 (4) the measures taken by the person regarding the
2 breach;

3 (5) any measures the person intends to take regarding
4 the breach after the notification under this subsection; and

5 (6) information regarding whether law enforcement is
6 engaged in investigating the breach.

7 (j) The attorney general shall post on the attorney
8 general's publicly accessible Internet website:

9 (1) an electronic form for submitting a notification
10 under Subsection (i); and

11 (2) a listing of the notifications received by the
12 attorney general under Subsection (i), excluding any sensitive
13 personal information that may have been reported to the attorney
14 general under that subsection, any information that may compromise
15 a data system's security, and any other information reported to the
16 attorney general that is made confidential by law. The attorney
17 general shall:

18 (A) [~~(1)~~] update the listing not later than the
19 30th day after the date the attorney general receives notification
20 of a new breach of system security;

21 (B) [~~(2)~~] remove a notification from the listing
22 not later than the first anniversary of the date the attorney
23 general added the notification to the listing if the person who
24 provided the notification has not notified the attorney general of
25 any additional breaches under Subsection (i) during that period;
26 and

27 (C) [~~(3)~~] maintain only the most recently

1 updated listing on the attorney general's website.

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