

1-1 By: Capriglione (Senate Sponsor - Nelson) H.B. No. 3746
1-2 (In the Senate - Received from the House May 3, 2021;
1-3 May 6, 2021, read first time and referred to Committee on Business
1-4 & Commerce; May 20, 2021, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Nichols	X			
1-9 Campbell	X			
1-10 Creighton	X			
1-11 Johnson	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Schwertner	X			
1-15 Whitmire	X			
1-16				

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain notifications required following a breach of
1-20 security of computerized data.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 521.053, Business & Commerce Code, is
1-23 amended by amending Subsection (i) and adding Subsection (j) to
1-24 read as follows:

1-25 (i) A person who is required to disclose or provide
1-26 notification of a breach of system security under this section
1-27 shall notify the attorney general of that breach not later than the
1-28 60th day after the date on which the person determines that the
1-29 breach occurred if the breach involves at least 250 residents of
1-30 this state. The notification under this subsection must include:

1-31 (1) a detailed description of the nature and
1-32 circumstances of the breach or the use of sensitive personal
1-33 information acquired as a result of the breach;

1-34 (2) the number of residents of this state affected by
1-35 the breach at the time of notification;

1-36 (3) the number of affected residents that have been
1-37 sent a disclosure of the breach by mail or other direct method of
1-38 communication at the time of notification;

1-39 (4) the measures taken by the person regarding the
1-40 breach;

1-41 (5) [44] any measures the person intends to take
1-42 regarding the breach after the notification under this subsection;
1-43 and

1-44 (6) [45] information regarding whether law
1-45 enforcement is engaged in investigating the breach.

1-46 (j) The attorney general shall post on the attorney
1-47 general's publicly accessible Internet website a listing of the
1-48 notifications received by the attorney general under Subsection
1-49 (i), excluding any sensitive personal information that may have
1-50 been reported to the attorney general under that subsection, any
1-51 information that may compromise a data system's security, and any
1-52 other information reported to the attorney general that is made
1-53 confidential by law. The attorney general shall:

1-54 (1) update the listing not later than the 30th day
1-55 after the date the attorney general receives notification of a new
1-56 breach of system security;

1-57 (2) remove a notification from the listing not later
1-58 than the first anniversary of the date the attorney general added
1-59 the notification to the listing if the person who provided the
1-60 notification has not notified the attorney general of any
1-61 additional breaches under Subsection (i) during that period; and

2-4

* * * * *