

AN ACT

relating to the process for notifying the attorney general of a breach of security of computerized data by persons doing business in this state.

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

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

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

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

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

(3) the number of affected residents that have been sent a disclosure of the breach by mail or other direct method of 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.**

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 768 passed the Senate on April 3, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 768 passed the House on May 12, 2023, by the following vote: Yeas 139, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor