The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST 2018 Regular Session

Walsworth

<u>Present law</u> defines "personal information" as an individual's first name or first initial and last name in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted:

(1) Social security number.

SB 361 Original

- (2) Driver's license number.
- (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

<u>Proposed law</u> defines "personal information" as an individual's first name or first initial and last name in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted:

- (1) Social security number.
- (2) Driver's license number or state identification card.
- (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.
- (4) Passport number.
- (5) Biometric data.

<u>Proposed law</u> requires any person that conducts business in the state or that owns or licenses computerized data that includes personal information, or any agency that owns or licenses computerized data that includes personal information, to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

<u>Proposed law</u> requires any person that conducts business in the state or that owns or licenses computerized data that includes personal information, or any agency that owns or licenses computerized data that includes personal information to take all reasonable steps to destroy or arrange for the destruction of the records within its custody or control containing personal information that is no longer to be retained by the person or business by shredding, erasing, or otherwise modifying the personal information in the records to make it unreadable or undecipherable

through any means.

<u>Present law</u> requires notification to be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system.

Proposed law retains present law and further requires that notification be made within 45 days.

<u>Present law</u> provides that notification is not required if after a reasonable investigation the person or business determines that there is no reasonable likelihood of harm to customers.

Proposed law repeals present law.

<u>Present law</u> (R.S. 51:1405(A)) declares unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce unlawful.

<u>Proposed law</u> retains <u>present law</u> and provides that violations of the Database Security Breach Notification Law constitute an unfair practice under R.S. 51:1405(A).

Effective August 1, 2018.

(Amends R.S. 51:3073(4)(a) and 3074)