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**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 506 by Senator Crowe

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "amend and reenact", delete the rest of the line and delete lines 2  
3 through 7, and insert the following:

4 "R.S. 9:3568(D) and to enact R.S. 9:3568(E) and Chapter 21 of Title 49 of the  
5 Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1351 through 1354,  
6 relative to identity theft; to provide for personal identifying information; to prohibit  
7 the unauthorized disclosure of certain personal identifying information by certain  
8 vendors; to require state entities to develop a policy related to the protection of  
9 personal identifying information; to provide for definitions; to require certain  
10 provisions in certain contracts; and provide for related matters.

11 AMENDMENT NO. 2

12 On page 1, delete lines 11 and 12 and insert the following:

13 "§3568. Identity theft; **creditors; security alerts; unauthorized distribution of**  
14 **personal identifying information by vendors**"

15 AMENDMENT NO. 3

16 On page 1, delete lines 15 through 17, and insert the following:

17 "**identifying information collected by a vendor pursuant to a contract with any**  
18 **department, office, or agency of the state or any political subdivision shall not**  
19 **be disclosed by the vendor except in the course of fulfilling his, her, or its duties**  
20 **under the contract.**"

21 AMENDMENT NO. 4

22 On page 2, delete lines 1 through 7, and insert the following:

23 "**(b) Any personal identifying information submitted to or obtained by any**  
24 **vendor from any department, office, agency of the state shall not be shared with**  
25 **any other person that is not authorized by the contract or without the**"

26 AMENDMENT NO. 5

27 On page 2, delete lines 12 through 20, and insert the following:

28 "**(a) "Contract" means an obligation of contract, agreement,**  
29 **memorandum of understanding, memorandum of agreement, or any such**  
30 **device, whether written or oral.**

31 **(b) "Person" means any individual, partnership, association, joint stock**  
32 **association, trust, corporation, or other business entity whether incorporated**  
33 **or not.**

34 **(c) "Personal identifying information" means that information as**  
35 **provided for in R.S. 14:67.16(3).**"

36 AMENDMENT NO. 6

37 On page 2, between lines 23 and 24 insert the following:

1 "(e) "Vendor" means any person, individual, partnership, association,  
2 joint stock association, trust, corporation, or other business entity, whether  
3 incorporated or not, who meets all of the following criteria:

4 (i) Contracts with any department, office, agency of the state or any  
5 political subdivision.

6 (ii) Is not a department, office, or agency of the state, or any political  
7 subdivision of the state, or a department, office, or agency of the federal  
8 government.

9 (iii) Agrees to provide any service to or on behalf of any department,  
10 office, agency of the state or any political subdivision.

11 (iv) Receives any personal identifying information regarding any other  
12 person as a result of the contract with the department, office, agency of the state  
13 or any political subdivision."

14 AMENDMENT NO. 7

15 On page 2, delete lines 24 through 29

16 AMENDMENT NO. 8

17 On page 3, delete lines 1 through 19

18 AMENDMENT NO. 9

19 On page 3, line 21, change "entities" to "vendors"

20 AMENDMENT NO. 10

21 On page 3, after line26, insert the following:

22 "Section 2. Chapter 21 of Title 49 of the Louisiana Revised Statutes of 1950, to be  
23 comprised of R.S. 49:1351 through 1354 is hereby enacted to read as follows:

24 **CHAPTER 21. PROTECTION OF PERSONAL IDENTIFYING INFORMATION**

25 **§1351. Legislative Intent**

26 **It is the intent of the legislature that whenever citizens disclose personal**  
27 **identifying information to the state, or any department, office, agency of the**  
28 **state, that the state takes reasonable measures to ensure that the information**  
29 **is secure and protected.**

30 **§1352. Definitions**

31 **The terms used in this Section shall have the same meaning as the**  
32 **definitions used in R.S. 9:3568(D)(2).**

33 **§1353. Personal identifying information; security; policy; definitions**

34 **A. Each department, office, or agency of the state shall take reasonable**  
35 **measures to protect the personal identifying information which is submitted to**  
36 **the department, office, or agency by any person, whether such information is**  
37 **required by the department, office, or agency, or by law, or voluntarily**  
38 **submitted by the person in order to avail themselves of certain services**  
39 **provided by the state.**

40 **B. No later than January 1, 2015, each department, office, or agency of**  
41 **the state shall formulate a written policy as to the practices and protocols**  
42 **employed by the department, office, or agency to protect personal identifying**  
43 **information and shall submit that written policy to the commissioner of**  
44 **administration.**

45 **C. No later than March 1, 2015, each department, office, or agency of**  
46 **the state which maintains a website shall post on the website the written policy**  
47 **required by Subsection B of this Section.**

48 **§1354. Requirement of vendors**

49 **A. When a vendor enters into a contract with any department, office, or**  
50 **agency of the state, the vendor shall maintain any personal identifying**  
51 **information submitted to the vendor and shall not share that information with**

1 any other person, unless authorized by the contract, without the express  
2 written permission of the person whose information was submitted or obtained,  
3 or without an order of a court of competent jurisdiction directing such sharing.

4 B. Any vendor who fails to secure the personal identifying information  
5 as provided for in Subsection A of this Section shall be subject to the provisions  
6 of R.S. 9:3568(D).

7 C.(1) Any contract, or renewal of a contract, entered into on or after  
8 January 1, 2015, between any department, office, or agency of the state and a  
9 vendor shall contain a provision whereby the vendor acknowledges the  
10 provisions of R.S. 9:3568(D) and contains a hold harmless provision in favor of  
11 the department, office, agency of the state.

12 (2) Any contract, or renewal of a contract, entered into on or after  
13 January 1, 2015, between any department, office, or agency of the state and a  
14 vendor shall contain a clause which is the same or substantially the same as the  
15 following:

16 **CONFIDENTIALITY**

17 Any data which is transmitted or obtained by the vendor by virtue of this  
18 contract or agreement shall be kept secure. The vendor shall not use the data  
19 for any purpose not expressly permitted in this contract or agreement without  
20 the prior written approval of the department, office, or agency of the state. The  
21 vendor shall not publish any document, whether in hard copy or electronic form  
22 or otherwise disclose to any third party, any data or information in any form  
23 which would directly or indirectly make the person's identity easily traceable  
24 without the prior written approval of the department, office, or agency.

25 The vendor acknowledges that he is bound by the provisions of R.S.  
26 9:3568(D) for any unauthorized distribution of personal identifying information  
27 and that vendor agrees to hold harmless the department, office, or agency of the  
28 state for any unauthorized distribution of personal identifying information."