

**SENATE COMMITTEE AMENDMENTS**

2018 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 361  
by Senator Walsworth

1 AMENDMENT NO. 1

2 On page 1, line 2, change "3073(4)(a)" to "3073(2) and (4)(a)"

3 AMENDMENT NO. 2

4 On page 1, line 8, "3073(4)(a)" to "3073(2) and (4)(a)"

5 AMENDMENT NO. 3

6 On page 1, between lines 12 and 13, insert the following:

7 " \* \* \*

8 (2) "Breach of the security of the system" means the compromise of the  
9 security, confidentiality, or integrity of computerized data that results in, or there is  
10 a reasonable ~~basis to conclude has resulted~~ **likelihood to result** in, the unauthorized  
11 acquisition of and access to personal information maintained by an agency or person.  
12 Good faith acquisition of personal information by an employee or agent of an agency  
13 or person for the purposes of the agency or person is not a breach of the security of  
14 the system, provided that the personal information is not used for, or is subject to,  
15 unauthorized disclosure."

16 AMENDMENT NO. 4

17 On page 1, line 14, delete "an individual's" and insert "**the**"

18 AMENDMENT NO. 5

19 On page 1, line 15, between "name" and "in" insert "**of an individual resident of this state**"

20 AMENDMENT NO. 6

21 On page 2, at the end of line 6 insert "**Biometric data** means data generated by  
22 **automatic measurements of an individual's biological characteristics, such as**  
23 **fingerprints, voice print, eye retina or iris, or other unique biological characteristic that**  
24 **is used by the owner or licensee to uniquely authenticate an individual's identity when**  
25 **the individual accesses a system or account.**"

26 AMENDMENT NO. 7

27 On page 3, line 10, delete "**forty-five days**" and insert "**sixty days from the discovery of**  
28 **the breach**"

29 AMENDMENT NO. 8

30 On page 3, at the end of line 13, insert "**When notification required pursuant to**  
31 **Subsections C and D of this Section is delayed pursuant to Subsection F of this Section**  
32 **or due to a determination by the person or agency that measures are necessary to**  
33 **determine the scope of the breach, prevent further disclosures, and restore the**  
34 **reasonable integrity of the data system, the person or agency shall provide the attorney**  
35 **general the reasons for the delay in writing within the sixty day notification period**  
36 **provided in this Subsection. Upon receipt of the written reasons, the attorney general**"

1 shall allow a reasonable extension of time to provide the notification required in  
2 Subsections C and D of this Section."

3 AMENDMENT NO. 9

4 On page 3, line 23, delete "two hundred fifty" and insert "**one hundred**"

5 AMENDMENT NO. 10

6 On page 3, line 24, delete "five" and insert "**one**"

7 AMENDMENT NO. 11

8 On page 4, between lines 12 and 13, insert the following:

9 **"I. Notification as provided in this Section shall not be required if after**  
10 **a reasonable investigation, the person or business determines that there is no**  
11 **reasonable likelihood of harm to the residents of this state. The person or**  
12 **business shall retain a copy of the written determination and supporting**  
13 **documentation for five years from the date of discovery of the breach of the**  
14 **security system. If requested in writing, the person or business shall send a copy**  
15 **of the written determination and supporting documentation to the attorney**  
16 **general no later than thirty days from the date of receipt of the request. The**  
17 **provisions of R.S. 51:1404(A)(1)(c) shall apply to a written determination and**  
18 **supporting documentation sent to the attorney general pursuant to this**  
19 **Subsection."**

20 AMENDMENT NO. 12

21 On page 4, delete lines 13 and 14 and insert the following:

22 **"J. A violation of a provision of this Chapter shall constitute an unfair**  
23 **act or practice pursuant to R.S. 51:1405(A)."**