

# Texas

V.T.C.A., Bus. & C. § 521.002 *et seq.*

## Quick Links

[Statute](#)

[AG Website](#)

## Quick Facts

Is “Personal Information” broader than the general definition? <sup>1</sup>	✓ Yes
Does the law apply to paper records?	✗ No
Is notification triggered by access only?	✗ No
Is a risk-of-harm analysis permitted?	✗ No
Is notice to a state agency or AG required?	✓ Yes, within 60 days following discovery or notification of breach, if 250 or more residents notified
Is there a specific deadline for individual notices?	✓ Yes, within 60 days following discovery or notification of breach
Is there a specific format or language that must be included in the individual notice?	✗ No
Is a private right of action permitted?	✓ Yes

## “Breach” Definition

The unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information.

## “Personal Information” Definition

1. Information that alone or in conjunction with other information identifies an individual, including an individual’s:
  - a. Name, social security number, date of birth, or government-issued identification number
  - b. Mother’s maiden name
  - c. Unique biometric data, including the individual’s fingerprint, voice print, and retina or iris image

<sup>1</sup> The general definition of “Personal Information” is an individual’s name in combination with any one or more of the following: (1) Social Security number; (2) driver’s license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

- d. Unique electronic identification number, address, or routing code, and
- e. Telecommunication access device as defined by Section 32.51, Penal Code.

“Sensitive personal information” means

- (A) an individual’s first name or first initial and last name in combination with any one or more of the following:
  - (i) Social security number
  - (ii) Driver’s license number or government-issued identification number, or
  - (iii) Account number or 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 or
- (B) information that identifies an individual and relates to:
  - (i) The physical or mental health or condition of the individual
  - (ii) The provision of health care to the individual, or
  - (iii) Payment for the provision of health care to the individual.

### Notification Trigger

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Within 60 days following discovery or notification of breach:

1. Entity that owns or licenses personal information shall notify Texas residents “without unreasonable delay” and within 60 days following discovery or notification of breach.
2. Entity that only maintains or stores personal information shall notify the owner or licensee of the breach immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

### Risk-of-Harm Analysis Standard

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N/A

### Special Form/Content of Consumer Notice

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N/A

### AG Notice Trigger/Deadline

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If entity notifies at least 250 Texas residents of a breach, then entity shall also, not later than the time when notice is provided to the Texas residents, provide notice of the breach to the Attorney General.

### Notification to Consumer Reporting Agencies Threshold

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If entity notifies at least 10,000 Texas residents of a breach, entity shall also notify each consumer reporting agency.