

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/5/19

A Bill

HOUSE BILL 1943

5 By: Representative Cavenaugh
6 By: Senator Rapert
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PERSONAL INFORMATION PROTECTION
10 ACT; TO REVISE THE DEFINITION OF "PERSONAL
11 INFORMATION" IN THE PERSONAL INFORMATION PROTECTION
12 ACT; AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO AMEND THE PERSONAL INFORMATION
16 PROTECTION ACT; AND TO REVISE THE
17 DEFINITION OF "PERSONAL INFORMATION" IN
18 THE PERSONAL INFORMATION PROTECTION ACT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 4-110-103(7), concerning the definition of
25 "personal information" as used in the Personal Information Protection Act, is
26 amended to add an additional subdivision to read as follows:

27 (E)(i) Biometric data.

28 (ii) As used in this subdivision (7)(E), "biometric
29 data" means data generated by automatic measurements of an individual's
30 biological characteristics, including without limitation:

31 (a) Fingerprints;

32 (b) Faceprint;

33 (c) A retinal or iris scan;

34 (d) Hand geometry;

35 (e) Voiceprint analysis;

36 (f) Deoxyribonucleic acid (DNA); or



1 (g) Any other unique biological
2 characteristics of an individual if the characteristics are used by the owner
3 or licensee to uniquely authenticate the individual's identity when the
4 individual accesses a system or account;

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6 SECTION 2. Arkansas Code § 4-110-105(b), concerning the disclosure of
7 security breaches, is amended to read as follows:

8 (b)(1) ~~Any~~ A person or business that maintains computerized data that
9 includes personal information that the person or business does not own shall
10 notify the owner or licensee of the information of any that there has been a
11 breach of the security of the system immediately following discovery if the
12 personal information was, or is reasonably believed to have been, acquired by
13 an unauthorized person.

14 (2) If a breach of the security of a system affects the personal
15 information of more than one thousand (1,000) individuals, the person or
16 business required to make a disclosure of the security breach under
17 subdivision (b)(1) of this section shall, at the same time the security
18 breach is disclosed to an affected individual or within forty-five (45) days
19 after the person or business determines that there is a reasonable likelihood
20 of harm to customers, whichever occurs first, disclose the security breach to
21 the Attorney General.

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23 SECTION 3. Arkansas Code § 4-110-105, concerning the disclosure of
24 security breaches, is amended to add an additional subsection to read as
25 follows:

26 (g)(1) A person or business shall retain a copy of the written
27 determination of a breach of the security of a system and supporting
28 documentation for five (5) years from the date of determination of the breach
29 of the security of the system.

30 (2) If the Attorney General submits a written request for the
31 written determination of the breach of the security of the system, the person
32 or business shall send a copy of the written determination of the breach of
33 the security of the system and supporting documentation to the Attorney
34 General no later than thirty (30) days after the date of receipt of the
35 request.

36 (3) The determination and documentation retained under this

1 subsection are confidential and not subject to public disclosure.

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/s/Cavanaugh

APPROVED: 4/15/19