ARKANSAS SENATE

85th General Assembly - Regular Session, 2005

Amendment Form

* *

Subtitle of Senate Bill No. 1167

"AN ACT TO PROVIDE NOTICE TO CONSUMERS OF THE DISCLOSURE OF THEIR

PERSONAL INFORMATION."

* *

Amendment No. 2 to Senate Bill No. 1167.

Amend Senate Bill No. 1167 as originally introduced:

Page 1, line 32 delete "personal" and substitute "sensitive personal"

AND

Page 1, delete line 34 and substitute the following:
"of this subchapter is to encourage individuals, businesses, and state
agencies that acquire, own, or license personal"

AND

Page 2, delete line 4 and substitute the following:
        "(1)(A) "Breach of the security of the system" means
unauthorized acquisition of computerized data that compromises the security,
confidentiality, or integrity of personal information maintained by a person
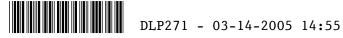or business.
                (B) "Breach of the security of the system" does not
include the good faith acquisition of personal information by an employee or
agent of the person or business for the legitimate purposes of the person or
business if the personal information is not otherwise used or subject to
further unauthorized disclosure;
        (2)(A) "Business" means a sole proprietorship, partnership,"

AND

Page 2, delete lines 10 and 11 and substitute the following:
            "(B) "Business" includes:
                (i) An entity that destroys records; and
                (ii) A state agency;
        (3) "Customer" means an individual who provides personal"

AND

Page 2, delete line 14 and substitute the following:
          "(4) "Individual" means a natural person;
          (5) "Medical information" means any individually identifiable
information, in electronic or physical form, regarding the individual's
medical history or medical treatment or diagnosis by a health care
professional;"

AND

Page 2, line 15 delete "(4)" and substitute "(6)"

AND

Page 2, delete lines 19 through 33 and substitute the following:
          "(7) "Personal information" means an individual's first name or
first initial and his or her last name in combination with any one (1) or
more of the following data elements, when either the name or the data element
is not encrypted or redacted:
                    (A) Social security number;
                    (B) Driver's license number or Arkansas identification
card number;
                    (C) Account number, credit card number, 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; and
                    (D) Medical information;
          (8)(A) "Records" means any material that contains sensitive
personal information in electronic form.
                    (B) "Records" does not include any publicly available
directories"

AND

Page 2, delete line 35 and substitute the following:
"publicly disseminated or listed, such as name, address, or telephone number;
and
          (9) "State agencies" or "state agency" means any agency,
institution, authority, department, board, commission, bureau, council, or
other agency of the State of Arkansas supported by cash funds or the
appropriation of state or federal funds."

AND

Page 3, line 2 delete "business" and substitute "person or business"

AND

Page 3, line 5 delete "business" and substitute "person or business"

AND

Page 3, line 8 delete "business that owns" and substitute " person or
business that acquires, owns,"

AND

Page 3, line 15 delete "that conducts business in Arkansas and"

AND

Page 3, line 16 delete "owns" and substitute "acquires, owns,"

AND

Page 3, delete line 18 and substitute the following:
"or notification of the breach of the security of the system to any resident
of"

AND

Page 3, line 29, delete "data" and substitute "system"

AND

Page 4, delete lines 1 through 9 and substitute the following:
     "(d) Notification under this section is not required if after a
reasonable investigation the person or business determines that there is no
reasonable likelihood of harm to customers."

AND

Page 4, line 10 delete "(f)" and substitute "(e)"

AND

Page 4, delete lines 15 through 21 and substitute the following:
"15 U.S.C. § 7001, as it existed on January 1, 2005; or
          (3)(A) Substitute notice, if the person or business demonstrates
that:
                    (i) The cost of providing notice would exceed two
hundred fifty thousand dollars ($250,000);
                    (ii) The affected class of persons to be notified
exceeds five hundred thousand (500,000); or
                    (iii) The person or business does not have
sufficient contact information."

AND

Page 4, delete line 29 and substitute the following:
     "(f) Notwithstanding subsection (e) of this section, a person or"

AND

Page 4, line 32 delete "part" and substitute "section"

AND

Page 4, line 35 delete "security" and substitute "the security"

AND

Page 5, line 2 delete "business" and substitute "person or business"

AND

Page 5, line 6 delete "section" and substitute "subchapter"

AND

Page 5, line 10 delete "business" and substitute "person or business"

AND

Page 5, line 19 delete "act" and substitute "subchapter"

AND

Page 5, line 20 delete "the" and substitute "the provisions of"

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Capps
DLP/TRA - 03-14-2005 14:55   _____
DLP271   **Secretary**