

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

A Bill

HOUSE BILL 1943

5 By: Representative Cavanaugh
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For An Act To Be Entitled

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

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

26 (E) Biometric data, including without limitation:

27 (i) Fingerprints;

28 (ii) Facial recognition analysis;

29 (iii) Retinal or iris scans;

30 (iv) Hand geometry;

31 (v) Voiceprint analysis;

32 (vi) Deoxyribonucleic acid (DNA); and

33 (vii) Other metrics used to identify an individual;
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35 SECTION 2. Arkansas Code § 4-110-105(b), concerning the disclosure of
36 security breaches, is amended to read as follows:



1 (b)(1) ~~Any~~ A person or business that maintains computerized data that
 2 includes personal information that the person or business does not own shall
 3 notify the owner or licensee of the information of ~~any~~ a breach of the
 4 security of the system immediately following discovery if the personal
 5 information was, or is reasonably believed to have been, acquired by an
 6 unauthorized person.

7 (2) If a breach of the security of a system affects the personal
 8 information of more than one thousand (1,000) individuals, the person or
 9 business required to make a disclosure of the security breach under
 10 subdivision (b)(1) of this section shall, at the same time the security
 11 breach is disclosed to an affected individual or within forty-five (45) days
 12 of discovery of the security breach, whichever occurs first, disclose the
 13 security breach to the Attorney General.

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 15 SECTION 3. Arkansas Code § 4-110-105(d), concerning the disclosure of
 16 security breaches, is amended to read as follows:

17 (d) Notification under this section is not required if, after a
 18 reasonable investigation, the person or business:

19 (1) ~~determines~~ Determines that there is no reasonable likelihood
 20 of harm to customers; and

21 (2) Provides written notice to the Attorney General's Consumer
 22 Protection Division regarding the basis of this determination.