

# Data Breaches

Best practices for avoiding breaches  
and addressing them when they occur

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# Applicable Law

## Texas Business and Commerce Code

- Chapter 521, Unauthorized Use of Identifying Information
  - Also known as the Identity Theft Enforcement and Protection Act

## Texas Penal Code

- Chapter 32
- Chapter 33
- Chapter 33A

## Texas Administrative Code

- Chapter 202 Information Security Standards

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## What is Personal Identifying Information (PII)?

- PII is information that alone or in conjunction with other information identifies an individual, including an individual's:
  - Name, SSN, Date of Birth, or gov't issued ID number;
  - Mother's maiden name;
  - Unique biometric data, including the individual's fingerprint, voice print and retina or iris image;
  - Unique electronic identification number, address, or routing code; and
  - Telecommunication access device as defined by the Texas Penal Code §32.51

TBCC §521.002

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## What is Sensitive Personal information (SPI)?

SPI is as an individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:

- SSN
- Driver's license number or government issued ID
- 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
- Information that identifies an individual and relates to :
  - The physical or mental health or condition of the individual;
  - The provision of health care to the individual; or
  - Payment for the provision of health care to the individual.

TBCC §521.002

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## Business Duty to Protect SPI

- A business shall implement and maintain reasonable procedures, including taking corrective action, to protect SPI from unlawful use or disclosure when the SPI is collected or maintained by the business in the regular course of business.
- A business shall destroy or have destroyed customer's SPI within the business' custody or control by shredding, erasing or modifying the SPI to make the SPI unreadable or indecipherable.

TBCC §521.052

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## What is a Breach of system security?

Breach of system security means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data.

TBCC §521.053

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