

SENATE BILL 2005

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 47,
relative to release of personal information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-2107(a), is amended by adding the following subdivision:

() "Unauthorized person" includes an employee of the information holder who is discovered by the information holder to have obtained personal information and intentionally used it for an unlawful purpose;

SECTION 2. Tennessee Code Annotated, Section 47-18-2107(a)(1), is amended by deleting the word "unencrypted".

SECTION 3. Tennessee Code Annotated, Section 47-18-2107, is further amended by deleting subsections (b), (c), and (d) and substituting instead the following:

(b) Any information holder shall disclose any breach of the security of the system, following discovery or notification of the breach in the security of the data, to any resident of Tennessee whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made immediately, but no later than fourteen (14) days from the discovery or notification of the breach, unless a longer period of time is required due to the legitimate needs of law enforcement, as provided in subsection (d).

(c) Any information holder that maintains computerized data that includes personal information that the information holder does not own shall notify the owner or licensee of the information of any breach of the security of the data immediately, but no later than fourteen (14) days from when the breach became known by the information

holder, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(d) The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section shall be made no later than fourteen (14) days after the law enforcement agency determines that it will not compromise the investigation.

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it and shall apply to breaches occurring on or after the effective date of this act.