

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S4/5/19
A Bill

HOUSE BILL 1943

By: Representative Cavenaugh
By: Senator Rapert

For An Act To Be Entitled

AN ACT TO AMEND THE PERSONAL INFORMATION PROTECTION ACT; TO REVISE THE DEFINITION OF "PERSONAL INFORMATION" IN THE PERSONAL INFORMATION PROTECTION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PERSONAL INFORMATION PROTECTION ACT; AND TO REVISE THE DEFINITION OF "PERSONAL INFORMATION" IN THE PERSONAL INFORMATION PROTECTION ACT.

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

SECTION 1. Arkansas Code § 4-110-103(7), concerning the definition of "personal information" as used in the Personal Information Protection Act, is amended to add an additional subdivision to read as follows:

(E)(i) Biometric data.

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

(a) Fingerprints;

(b) Faceprint;

(c) A retinal or iris scan;

(d) Hand geometry;

(e) Voiceprint analysis;

(f) Deoxyribonucleic acid (DNA); or



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

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

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

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

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

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

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

(3) The determination and documentation retained under this

subsection are confidential and not subject to public disclosure.

/s/Cavanaugh

APPROVED: 4/15/19