

1 192817-4 : n : 03/07/2018 : Technology and Research / CTR

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3 TECHNOLOGY AND RESEARCH COMMITTEE AMENDMENT TO SB318, AS  
4 ENGROSSED

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6  
7  
8  
9 On page 2, delete lines 16 to 20, inclusive, and  
10 insert in lieu thereof the following:

11 (4) GOVERNMENT ENTITY. The state, a county, or a  
12 municipality or any instrumentality of the state, a county, or  
13 a municipality.

14  
15 On page 4, line 26, after "covered entity" insert  
16 the following:

17 subject to subsection (c),

18  
19 On page 5, line 18, after "measures" insert the  
20 following:

21 ; provided, however, that the management of a  
22 government entity subject to this subdivision may be  
23 appropriately informed of the status of its security measures  
24 through a properly convened executive session under the Open  
25 Meetings Act pursuant to Section 36-25A-7, Code of Alabama  
26 1975

1                   On page 5, line 20, after "entity's" insert the  
2 following:

3                   reasonable

4  
5                   On page 6, line 4, after "maintain the" insert the  
6 following:

7                   reasonable

8  
9                   On page 8, line 3, after "entity's" insert the  
10 following:

11                   receipt of notice from a third party agent that a  
12 breach has occurred or upon the covered entity's

13  
14                   On page 8, line 9, after "delayed upon the" insert  
15 the following:

16                   receipt of

17  
18                   On page 9, line 4, delete "a consumer" and insert in  
19 lieu thereof the following:

20                   an affected individual

21  
22                   Beginning on page 9, line 20, and continuing through  
23 page 10, line 2, delete the language in its entirety and  
24 insert in lieu thereof the following:

25                   (2)a. Substitute notice shall include both of the  
26 following:

1           1. A conspicuous notice on the Internet website of  
2 the covered entity, if the covered entity maintains a website,  
3 for a period of 30 days.

4           2. Notice in print and in broadcast media, including  
5 major media in urban and rural areas where the affected  
6 individuals reside.

7           b. An alternative form of substitute notice may be  
8 used with the approval of the Attorney General.

9  
10           On page 10, line 13, after "entity's" insert the  
11 following:

12           receipt of notice from a third party agent that a  
13 breach has occurred or upon the entity's

14  
15           On page 11, line 17, delete "15 U.S.C. 1681(a) (p) "  
16 and insert in lieu thereof the following:

17           15 U.S.C. 1681a

18  
19           On page 14, delete lines 5 through 9 in their  
20 entirety and insert in lieu thereof the following:

21           (6) All government entities are exempt from any  
22 civil penalty authorized by this act; provided, however, the  
23 Attorney General may bring an action against any state,  
24 county, or municipal official or employee, in his or her  
25 official capacity, who is subject to this act for any of the  
26 following:

1           a. To compel the performance of his or her duties  
2 under this act.

3           b. To compel the performance of his or her  
4 ministerial acts under this act.

5           c. To enjoin him or her from acting in bad faith,  
6 fraudulently, beyond his or her authority, or under mistaken  
7 interpretation of the law.

8  
9           On page 15, line 10, delete "consumers" and insert  
10 in lieu thereof the following:

11           affected individuals

12  
13           On page 15, line 23, delete "customers" and insert  
14 in lieu thereof the following:

15           affected individuals