

ENGROSSED LEGISLATIVE BILL 241

Introduced by Hallstrom, 1; Bosn, 25; Holdcroft, 36; Storer, 43; Storm, 23.

A BILL FOR AN ACT relating to data privacy; to define terms; and to provide exemption from liability for certain private entities as prescribed.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) For purposes of this section:

(a) Cybersecurity event means an event resulting in unauthorized access to, or disruption or misuse of, an information system or nonpublic information stored on an information system;

(b) Information system means:

(i) A discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic nonpublic information; or

(ii) A specialized system, including an industrial or process control system, a telephone switching and private branch exchange system, and an environmental control system;

(c) Nonpublic information means information that is not publicly available and concerns a person that, because of a name, number, personal mark, or other identifier, can be used to identify such person, in combination with the following:

(i) A social security number;

(ii) A driver's license number or state identification card number;

(iii) A financial account number or credit or debit card number;

(iv) A security code, access code, or password that would permit access to such person's financial accounts; or

(v) Any biometric record;

(d) Private entity means a corporation, religious or charitable organization, association, partnership, limited liability company, limited liability partnership, or other private business entity, whether organized for-profit or not-for-profit; and

(e) Publicly available information means information that is lawfully made available through federal, state, or local government records or information that a private entity has a reasonable basis to believe is lawfully made available to the general public.

(2) A private entity shall not be liable in a class action resulting from a cybersecurity event unless the cybersecurity event was caused by willful, wanton, or gross negligence on the part of the private entity.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 241 was passed by the One Hundred Ninth Legislature of Nebraska at its First Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR