



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 413 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-6-14-3, AS ADDED BY P.L.84-2010, SECTION
4 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2015]: Sec. 3. As used in this chapter, "personal information" ~~has the~~
6 ~~meaning set forth in IC 24-4.9-2-10:~~ **means:**
7 **(1) a Social Security number that is not encrypted or**
8 **redacted; or**
9 **(2) an individual's first and last names, or first initial and last**
10 **name, and one (1) or more of the following data elements that**
11 **are not encrypted or redacted:**
12 **(A) A driver's license number.**
13 **(B) A state identification card number.**
14 **(C) A credit card number.**
15 **(D) A financial account number or debit card number in**
16 **combination with a security code, password, or access code**
17 **that would permit access to the person's account.**
18 **The term does not include information that is lawfully obtained**
19 **from publicly available information or from federal, state, or local**
20 **government records lawfully made available to the general public.**
21 SECTION 2. IC 24-4-14-6, AS ADDED BY P.L.125-2006,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2015]: Sec. 6. **(a)** As used in this chapter, "personal
24 information" ~~has the meaning set forth in IC 24-4.9-2-10:~~ **means:**
25 **(1) a Social Security number that is not encrypted or**
26 **redacted; or**
27 **(2) an individual's first and last names, or first initial and last**
28 **name, and one (1) or more of the following data elements that**

1 **are not encrypted or redacted:**

2 **(A) A driver's license number.**

3 **(B) A state identification card number.**

4 **(C) A credit card number.**

5 **(D) A financial account number or debit card number in**
 6 **combination with a security code, password, or access code**
 7 **that would permit access to the person's account.**

8 The term includes information stored in a digital format.

9 **(b) The term does not include information that is lawfully**
 10 **obtained from publicly available information or from federal,**
 11 **state, or local government records lawfully made available to the**
 12 **general public."**

13 Page 1, line 5, after "of" insert "**sensitive**".

14 Page 1, line 11, after "of" insert "**sensitive**".

15 Page 1, line 13, after "the" insert "**sensitive**".

16 Page 1, line 16, after "which" insert "**sensitive**".

17 Page 1, line 16, after "all" insert "**sensitive**".

18 Page 2, line 21, after "the" insert "**sensitive**".

19 Page 2, line 25, after "the" insert "**sensitive**".

20 Page 2, between lines 39 and 40, begin a new paragraph and insert:
 21 "SECTION 10. IC 24-4.9-2-10, AS ADDED BY P.L.125-2006,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 10. ~~Personal~~ "**Sensitive personal** information"
 24 means:

25 (1) a Social Security number that is not encrypted or redacted; or

26 (2) an individual's first and last names, or first initial and last
 27 name, and one (1) or more of the following data elements that are
 28 not encrypted or redacted:

29 **(A) A driver's license number.**

30 **(B) A state identification card number.**

31 **(C) A credit card number.**

32 **(D) A financial account number or debit card number in**
 33 **combination with a security code, password, or access code**
 34 **that would permit access to the person's account.**

35 The term does not include information that is lawfully obtained from
 36 publicly available information or from federal, state, or local
 37 government records lawfully made available to the general public.

38 SECTION 11. IC 24-4.9-2-11, AS ADDED BY P.L.125-2006,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 11. (a) Data are redacted for purposes of this
 41 article if the data have been altered or truncated so that not more than
 42 the last four (4) digits of:

43 (1) a driver's license number;

44 (2) a state identification number; or

45 (3) an account number;

46 is accessible as part of **sensitive** personal information.

1 (b) For purposes of this article, **sensitive** personal information is
 2 "redacted" if the **sensitive** personal information has been altered or
 3 truncated so that not more than five (5) digits of a Social Security
 4 number are accessible as part of **the sensitive** personal information."

5 Page 3, line 4, after "unencrypted" insert "**sensitive**".

6 Page 3, line 6, after "encrypted" insert "**sensitive**".

7 Page 3, line 14, strike "consumers" and insert "**Indiana residents**".

8 Page 3, line 18, after "including" insert "**fraud involving the**
 9 **sensitive**".

10 Page 3, line 27, after "that" insert "**sensitive**".

11 Page 4, line 10, strike "maintains" and insert "**is required to**
 12 **maintain**".

13 Page 4, line 10, after "procedures" insert ", **and maintains such**
 14 **procedures,**".

15 Page 4, line 20, delete ";" and insert ", **as amended by the Health**
 16 **Information Technology for Economic and Clinical Health**
 17 **(HITECH) Act (P.L. 111-5);**".

18 Page 4, line 24, after "disclosure" insert "**sensitive**".

19 Page 4, line 32, after "the" insert "**sensitive**".

20 Page 4, line 34, delete "subject to subsection (d),".

21 Page 4, line 37, after "the" insert "**sensitive**".

22 Page 4, line 39, after "to" insert "**sensitive**".

23 Page 5, line 1, delete "prohibit the data user from:" and insert
 24 "**require that the data user:**

25 (1) **retain sensitive personal information only as reasonably**
 26 **necessary for:**

27 (A) **a legitimate business, governmental, academic, or**
 28 **nonprofit purpose; or**

29 (B) **compliance with applicable law;**

30 (2) **not use sensitive personal information in contravention of**
 31 **law; and**

32 (3) **not use sensitive personal information unless:**

33 (A) **the use is reasonably necessary for a legitimate**
 34 **business, governmental, academic, or nonprofit purpose;**
 35 **and**

36 (B) **the individual to whom the sensitive personal**
 37 **information relates has not previously communicated to**
 38 **the data user that such use is not authorized by the**
 39 **individual.**"

40 Page 5, delete lines 2 through 18.

41 Page 5, line 19, delete "(e)" and insert "(d)".

42 Page 5, line 20, after "unredacted" insert "**sensitive**".

43 Page 5, line 22, after "the" insert "**sensitive**".

44 Page 5, line 24, delete "(f)" and insert "(e)".

45 Page 5, line 27, after "of" insert "**sensitive**".

46 Page 5, line 30, delete "(g)" and insert "(f)".

- 1 Page 5, line 41, delete "state or federal law, rule, or regulation;" and
 2 insert "**law, rule, or regulation of this state;**".
- 3 Page 6, line 1, delete "(h)" and insert "**(g)**".
- 4 Page 6, line 4, delete "(j) and (k)," and insert "**(i) and (j)**".
- 5 Page 6, line 10, delete "(i) Subject to subsection (j)," and insert "**(h)**
 6 **Subject to subsection (i)**".
- 7 Page 6, line 11, delete "(e)" and insert "**(d)**".
- 8 Page 6, line 13, delete "(j) Subject to subsection (k)," and insert "**(i)**
 9 **Subject to subsection (j)**".
- 10 Page 6, line 19, after "security of" insert "**data**".
- 11 Page 6, delete lines 20 through 21.
- 12 Page 6, line 22, delete "(k)" and insert "**(j)**".
- 13 Page 6, line 22, delete "(h) or (j)" and insert "**(g) or (i)**".
- 14 Page 6, line 25, delete "(l)" and insert "**(k)**".
- 15 Page 7, line 1, after "the" insert "**sensitive**".
- 16 Page 7, line 4, after "the" insert "**sensitive**".
- 17 Page 7, line 32, after "on the" insert "**data owner's**".
- 18 Page 7, line 34, delete "any:" and insert "**any, a notice of the**
 19 **breach of the security of data**".
- 20 Page 7, delete lines 35 through 41.
- 21 Page 8, line 23, delete ";" and insert ", **as amended by the Health**
 22 **Information Technology for Economic and Clinical Health**
 23 **(HITECH) Act (P.L. 111-5)**";
- 24 Page 9, line 6, delete "IC 24-4.9-3.5." and insert "**IC 24-4.9-3-3.5**".
- 25 Page 9, line 11, delete "IC 24-4.9-3.5;" and insert "**IC**
 26 **24-4.9-3-3.5**";
- 27 Page 9, line 12, delete "state or federal law, rule, or regulation;" and
 28 insert "**law, rule, or regulation of this state;**".
- 29 Renumber all SECTIONS consecutively.
 (Reference is to SB 413 as printed February 13, 2015.)

 Senator MERRITT