

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 382 be amended to read as follows:

- 1           Page 5, between lines 34 and 35, begin a new paragraph and insert:  
2           "SECTION 2. IC 24-4.9-2-3, AS ADDED BY P.L.125-2006,  
3           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2013]: Sec. 3. **(a) Except as provided in subsection (b),**  
5           "data base owner" means a person that owns or licenses computerized  
6           data that includes personal information.  
7           **(b) For purposes of IC 24-4.9-3-3.5, "data base owner" means**  
8           **a person that owns or licenses data that includes personal**  
9           **information, including data that is maintained:**  
10           **(1) in a computerized format;**  
11           **(2) on paper;**  
12           **(3) on microfilm; or**  
13           **(4) in or on a medium similar to the mediums described in this**  
14           **subsection.**  
15           SECTION 3. IC 24-4.9-3-3.5, AS ADDED BY P.L.137-2009,  
16           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17           JULY 1, 2013]: Sec. 3.5. (a) This section does not apply to a data base  
18           owner that maintains its own data security procedures as part of an  
19           information privacy, security policy, or compliance plan under:  
20           (1) the federal USA PATRIOT Act (P.L. 107-56);  
21           (2) Executive Order 13224;  
22           (3) the federal Driver's Privacy Protection Act (18 U.S.C. 2721 et  
23           seq.);  
24           (4) the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

- 1 (5) the federal Financial Modernization Act of 1999 (15 U.S.C.  
2 6801 et seq.); or
- 3 (6) the federal Health Insurance Portability and Accountability  
4 Act (HIPAA) (P.L. 104-191);
- 5 if the data base owner's information privacy, security policy, or  
6 compliance plan requires the data base owner to maintain reasonable  
7 procedures to protect and safeguard from unlawful use or disclosure  
8 personal information of Indiana residents that is collected or  
9 maintained by the data base owner and the data base owner complies  
10 with the data base owner's information privacy, security policy, or  
11 compliance plan.
- 12 (b) A data base owner shall implement and maintain reasonable  
13 procedures, including taking any appropriate corrective action, to  
14 protect and safeguard from unlawful use or disclosure any personal  
15 information of Indiana residents collected or maintained by the data  
16 base owner.
- 17 (c) A data base owner shall not dispose of records or documents  
18 containing unencrypted and unredacted personal information of Indiana  
19 residents without shredding, incinerating, mutilating, erasing, or  
20 otherwise rendering the personal information illegible or unusable.
- 21 **(d) A data base owner shall not make a material**  
22 **misrepresentation to an Indiana resident regarding the data base**  
23 **owner's collection, use, storage, sharing, or destruction of the**  
24 **resident's personal information.**
- 25 ~~(e)~~ (e) A person that knowingly or intentionally fails to comply with  
26 any provision of this section commits a deceptive act that is actionable  
27 only by the attorney general under this section.
- 28 ~~(f)~~ (f) The attorney general may bring an action under this section  
29 to obtain any or all of the following:
- 30 (1) An injunction to enjoin further violations of this section.  
31 (2) A civil penalty of not more than five thousand dollars (\$5,000)  
32 per deceptive act.  
33 (3) The attorney general's reasonable costs in:  
34 (A) the investigation of the deceptive act; and  
35 (B) maintaining the action.
- 36 ~~(g)~~ (g) A failure to comply with subsection (b) or (c) in connection

- 1 with related acts or omissions constitutes one (1) deceptive act."
- 2 Renumber all SECTIONS consecutively.  
(Reference is to ESB 382 as printed March 26, 2013.)

---

Representative Steuerwald