SmartSuite

Framework / Privacy / Global Privacy Regulations

Texas Business and Commerce Code Chapter 521, Identity Theft Enforcement and Protection Act

Texas Business and Commerce Code Chapter 521 requires businesses to protect personal information and report breaches to individuals within 60 days and the Attorney General within 30.



What it is

Texas Business and Commerce Code Chapter 521, the Identity Theft Enforcement and Protection Act (section 521.001), is the Texas statute that requires a business to protect sensitive personal information, destroy customer records safely and report a breach of system security to affected individuals and, for larger breaches, to the Texas Attorney General. It was added to the Code by H.B. 2278 of the 80th Legislature (Acts 2007, Chapter 885), a nonsubstantive revision of the business and commerce statutes, and has applied since April 1, 2009. The Attorney General enforces it.

Section 521.052 applies to a business, which includes a nonprofit athletic or sports association, and excludes a financial institution as defined by 15 U.S.C. 6809. Section 521.053 applies to any person that conducts business in Texas and owns or licenses computerized data containing sensitive personal information.

At a glance

PUBLISHER Texas Legislature (enforced by the Texas Attorney General)	TYPE Regulation	VERSION Chapter 521, as amended through Acts 2023, 88th Legislature (S.B. 768)
EFFECTIVE April 1, 2009 (chapter as added); 30-day Attorney General notice since September 1, 2023	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Texas	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY Medium

Source: statutes.capitol.texas.gov/Docs/BC/htm/BC.521.htm

Why it matters

- **Reasonable procedures, not a control list** Section 521.052(a) requires reasonable procedures, including appropriate corrective action, to protect sensitive personal information from unlawful use or disclosure, so the standard is scaled to the business and the data.
- **Records destroyed, not just discarded** Section 521.052(b) requires customer records that are not retained to be shredded, erased or otherwise made unreadable or indecipherable.
- **Two fixed notice clocks** Individuals are notified without unreasonable delay and no later than the 60th day after the breach is determined; the Attorney General is notified no later than the 30th day when 250 or more Texans are affected (521.053(b) and (i)).
- **Public Attorney General listing** Section 521.053(j) requires the Attorney General to post an electronic notice form and a listing of notices received, updated within 30 days.

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How SmartSuite supports Tex. Bus. & Com. Code Ch. 521

Section 521.052 Requirement Library

Record the duty to maintain reasonable procedures and the records-disposal rule as requirements with an owner, status and linked evidence.

Sensitive Personal Information Inventory

Catalog where the section 521.002 data elements (name with Social Security number, identification number, financial account access code, health information) are stored, and which systems hold them.

Records Disposal Log

Document shredding, erasure or other destruction of customer records that are not retained, with dates and owners, as 521.052(b) requires.

Breach Determination and Clock Tracking

Log the date the business determines a breach occurred and run the 60-day individual deadline, with a task for law enforcement delay requests under 521.053(d).

Attorney General Notice Workflow

Prepare the 250-resident threshold check, the 30-day deadline and the six content items for the 521.053(i) filing, and attach the submitted form.

Notice and Penalty Exposure Report

Show open incidents, days elapsed against each deadline and the notices sent, for the compliance owner and counsel.

Common framework mappings

SOC 2 | CIS Controls v8.1 | GDPR | HIPAA (NIST SP 800-66 Rev. 2) | ISO 27001:2022 | NIST CSF 2.0 | NIST 800-53 Rev.5 | PCI DSS 4.0.1 | CCPA/CPRA

Official resources

Texas Business & Commerce Code Chapter 521

Provides the official legal text of the Texas Identity Theft Enforcement and Protection Act.

statutes.capitol.texas.gov/Docs/BC/htm/BC.521.htm

Frequently asked questions

Who must comply with Texas Business and Commerce Code Chapter 521?

A person that conducts business in Texas and owns or licenses computerized data containing sensitive personal information must give breach notice under section 521.053(b), and a business must protect and dispose of such information under section 521.052. Financial institutions as defined by 15 U.S.C. 6809 are excluded from section 521.052(c), and a nonprofit athletic or sports association counts as a business under 521.052(d).

What counts as sensitive personal information in Texas?

Section 521.002(a)(2) covers an individual's name combined with an unencrypted Social Security number, driver's license or government identification number, or account or card number with the required access code. It also covers information that identifies an individual and relates to health, health care or payment for health care. Publicly available government information is excluded under 521.002(b).

How quickly must a Texas data breach be reported?

Individuals must be notified without unreasonable delay and no later than the 60th day after the business determines that the breach occurred (521.053(b)). The Attorney General must be told as soon as practicable and no later than the 30th day when the breach involves at least 250 Texas residents (521.053(i)); S.B. 768 shortened this from 60 days effective September 1, 2023.

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What must the Attorney General notice contain?

Section 521.053(i) requires an electronic form on the Attorney General's website with six items: the nature and circumstances of the breach, the number of Texas residents affected, the number already sent notice, the measures taken, the measures planned and whether law enforcement is investigating. The Attorney General lists received notices publicly under 521.053(j), removing a notice after a year if no further breach is reported.

What are the penalties under Chapter 521?

Section 521.151(a) sets a civil penalty of $2,000 to $50,000 per violation, recoverable by the Attorney General, who may also seek an injunction. Section 521.151(a-1) adds up to $100 per affected individual for each consecutive day a business fails to act reasonably on individual notice, capped at $250,000 per breach. Section 521.101 is not a penalty; it lets a victim seek a court order declaring identity theft.

License included / downloadable: Yes Chapter 521 is Texas statute law, published free on the Texas Constitution and Statutes site of the Texas Legislature; the platform links to the official text.

Full framework page and mappings: smartsuite.com/frameworks/texas-business-commerce-code-chapter-521-identity-theft-enforcement

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