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SENATE BILL NO. 26—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the protection of personally identifiable information from release. (BDR 52-332)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to the security of personal information; revising the information protected as personal information; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law imposes a requirement upon data collectors, including, without  
2 limitation, businesses and governmental entities, that collect personal information  
3 to provide certain security measures to ensure the protection of such personal  
4 information. (Chapter 603A of NRS) Existing law treats the unauthorized  
5 acquisition of computerized data that materially compromises the security,  
6 confidentiality or integrity of personal information as a breach of the security of the  
7 system data. (NRS 603A.020) If such a breach of the security of the system data  
8 occurs, existing law requires the data collector to provide certain notice of the  
9 breach to any resident of this State whose unencrypted personal information was, or  
10 is reasonably believed to have been, acquired by an unauthorized person. (NRS  
11 603A.220) Existing law further establishes what information constitutes personal  
12 information for the purposes of requiring a data collector to ensure the protection of  
13 the information. Such information generally includes some portion of the name of a  
14 natural person in combination with certain other data elements, including, without  
15 limitation, a social security number or account number. (NRS 603A.040) This bill  
16 expands the information which constitutes personal information by including  
17 several additional data elements that, when paired with a portion of the name of a  
18 natural person, constitute personal information. This bill also treats a user name,  
19 unique identifier or electronic mail address in combination with a password, access  
20 code or security question and answer as personal information regardless of whether  
21 such information is paired with a portion of the name of a natural person. Finally,  
22 this bill excludes as personal information: (1) a number which is altered to provide  
23 not more than the last four digits of the number and to remove at least two digits;



24 and (2) publicly available information that is widely distributed through other  
25 media.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 603A.040 is hereby amended to read as  
2 follows:

3 603A.040 1. "Personal information" means ~~[(a)]~~ :

4 (a) A natural person's first name or first initial and last name in  
5 combination with any one or more of the following data elements ~~[(~~  
6 ~~when the name and data elements are not encrypted:~~

7 ~~—(a)]~~ :

8 (1) Social security number.

9 ~~[(b)]~~ (2) Driver's license number, driver authorization card  
10 number or identification card number.

11 ~~[(c)]~~ (3) *A private key, as defined in NRS 720.100, that is*  
12 *unique to a natural person and is used to authenticate or sign an*  
13 *electronic record.*

14 (4) Account number, credit card number or debit card  
15 number, in combination with any required security code, access  
16 code or password that would permit access to the person's financial  
17 account.

18 ~~[(d)]~~ (5) A medical identification number or a health insurance  
19 identification number.

20 ~~[(e)]~~ (6) *Information about a medical or mental health*  
21 *diagnosis or treatment by a health care professional of a natural*  
22 *person.*

23 (7) *Passport number.*

24 (8) *Individual taxpayer identification number or identity*  
25 *protection personal identification number issued by the Internal*  
26 *Revenue Service of the United States Department of the Treasury.*

27 (9) *Unique biometric data generated from a measurement*  
28 *or analysis of characteristics of a human body used to*  
29 *authenticate the identity of a natural person.*

30 (b) A user name, unique identifier or electronic mail address in  
31 combination with a password, access code or security question and  
32 answer that would permit access to an online account.

33 2. The term does not include :

34 (a) *A number that has been altered such that not more than*  
35 *the last four digits of* ~~[(a social security number, the last four digits of~~  
36 ~~a driver's license number, the last four digits of a driver~~  
37 ~~authorization card number or the last four digits of an identification~~  
38 ~~card)]~~ *the number are accessible and at least two digits have been*  
39 *removed;* or ~~[(publicly)]~~



1       **(b) Publicly** available information that is lawfully made  
2 available to the general public from federal, state or local  
3 governmental records ~~§~~ **or widely distributed through other media.**  
4       **Sec. 2.** This act becomes effective upon passage and approval.

