

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 507

Representative Hillyer

A BILL

To amend section 1354.01 of the Revised Code to
extend legal safe harbor to political
subdivisions that implement a specified
cybersecurity program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1354.01 of the Revised Code be
amended to read as follows:

Sec. 1354.01. As used in this chapter:

(A) "Business" means any limited liability company,
limited liability partnership, corporation, sole proprietorship,
association, state institution of higher education as defined in
section 3345.011 of the Revised Code, private college as defined
in section 3365.01 of the Revised Code, or other group, however
organized and whether operating for profit or not for profit,
including a financial institution organized, chartered, or
holding a license authorizing operation under the laws of this
state, any other state, the United States, or any other country,
or the parent or subsidiary of any of the foregoing.

(B) "Covered entity" means a business or political
subdivision that accesses, maintains, communicates, or processes

personal information or restricted information in or through one 20
or more systems, networks, or services located in or outside 21
this state. 22

(C) "Data breach" means unauthorized access to and 23
acquisition of computerized data that compromises the security 24
or confidentiality of personal information or restricted 25
information owned by or licensed to a covered entity and that 26
causes, reasonably is believed to have caused, or reasonably is 27
believed will cause a material risk of identity theft or other 28
fraud to person or property. "Data breach" does not include 29
either of the following: 30

(1) Good faith acquisition of personal information or 31
restricted information by the covered entity's employee or agent 32
for the purposes of the covered entity's, provided that the 33
personal information or restricted information is not used for 34
an unlawful purpose or subject to further unauthorized 35
disclosure; 36

(2) Acquisition of personal information or restricted 37
information pursuant to a search warrant, subpoena, or other 38
court order, or pursuant to a subpoena, order, or duty of a 39
regulatory state agency. 40

(D) "Personal information" has the same meaning as in 41
section 1349.19 of the Revised Code. 42

(E) "Political subdivision" means a municipal corporation, 43
township, county, park district, conservancy district, sanitary 44
district, sewer district, special water district, or other body 45
corporate and politic responsible for governmental activities in 46
a geographic area smaller than that of the state. 47

(F) "Restricted information" means any information about 48

an individual, other than personal information, that, alone or 49
in combination with other information, including personal 50
information, can be used to distinguish or trace the 51
individual's identity or that is linked or linkable to an 52
individual, if the information is not encrypted, redacted, or 53
altered by any method or technology in such a manner that the 54
information is unreadable, and the breach of which is likely to 55
result in a material risk of identity theft or other fraud to 56
person or property. 57

As used in this division, "encrypted," "individual," and 58
"redacted" have the same meanings as in section 1349.19 of the 59
Revised Code. 60

Section 2. That existing section 1354.01 of the Revised 61
Code is hereby repealed. 62