

Tex. Bus. & Com. Code § 324.002

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

Texas Statutes & Codes Annotated by LexisNexis® > Business and Commerce Code > Title 10 Use of Telecommunications (Subts. A — B) > Subtitle B Electronic Communications (Chs. 321 — 328) > Chapter 324 Consumer Protection Against Computer Spyware (Subchs. A — C) > Subchapter A General Provisions (§§ 324.001 — 324.006)

Sec. 324.002. Definitions.

In this chapter:

- (1) “Advertisement” means a communication that includes the promotion of a commercial product or service, including communication on an Internet website operated for a commercial purpose.
- (1-a) “Botnet” means a collection of two or more zombies.
- (2) “Computer software” means a sequence of instructions written in a programming language that is executed on a computer. The term does not include:
 - (A) a web page; or
 - (B) a data component of a web page that cannot be executed independently of that page.
- (3) “Damage,” with respect to a computer, means significant impairment to the integrity or availability of data, computer software, a system, or information.
- (4) “Execute,” with respect to computer software, means to perform a function or carry out instructions.
- (5) “Keystroke-logging function” means a function of a computer software program that:
 - (A) records all keystrokes made by a person using a computer; and
 - (B) transfers that information from the computer to another person.
- (6) “Owner or operator of a computer” means the owner or lessee of a computer or an individual using a computer with the authorization of the owner or lessee of the computer. The phrase “owner of a computer,” with respect to a computer sold at retail, does not include a person who owned the computer before the date on which the computer was sold.
- (7) “Person” means an individual, partnership, corporation, limited liability company, or other organization, or a combination of those organizations.
- (8) “Personally identifiable information,” with respect to an individual who is the owner or operator of a computer, means:

- (A) a first name or first initial in combination with a last name;
- (B) a home or other physical address, including street name;
- (C) an electronic mail address;
- (D) a credit or debit card number;
- (E) a bank account number;
- (F) a password or access code associated with a credit or debit card or bank account;
- (G) a social security number, tax identification number, driver's license number, passport number, or other government-issued identification number; or
- (H) any of the following information if the information alone or in combination with other information personally identifies the individual:
 - (i) account balances;
 - (ii) overdraft history; or
 - (iii) payment history.
- (9) "Zombie" means a computer that, without the knowledge and consent of the computer's owner or operator, has been compromised to give access or control to a program or person other than the computer's owner or operator.

History

Enacted by Acts 2007, 80th Leg., ch. 885 (H.B. 2278), § 2.01, effective April 1, 2009; am. Acts 2009, 81st Leg., ch. 718 (S.B. 28), § 1, effective September 1, 2009.

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