# **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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