



**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
<small>©2007, The Long Term Care Consortium for HIPAA (LTCC). These materials may be reproduced and used only by long-term health care providers and their health care affiliates for their internal use, in connection with their efforts to comply with HIPAA and other relevant legal rules and regulations. All other reproduction, transfer and use is prohibited without the express written consent of the LTCC. Neither the LTCC nor its members make any representation that use of these materials will ensure HIPAA or other legal compliance.</small>							
Alabama	2006 Proposed S.B. 220						
Alaska	2007 Proposed S.B. 21 and HB 31						
Arizona	Ariz. Rev. Stat. § 44-7501 Effective Date: 12-31-06	1) HIPAA Covered Entities excluded. 2) Encryption 3) Redaction 4) Secured by any other method rendering the element unreadable or unusable	Includes substitute notice provisions	AG may bring action for actual damages and penalties up to \$10k per incident	"Security Breach" means an unauthorized acquisition of and access to unencrypted or unredacted computerized data that materially compromises the security or confidentiality of personal information maintained by a person as part of a database of personal information regarding multiple individuals and that causes or is reasonably likely to cause substantial economic loss to an individual.	"Personal Information": (a) means an individual's first name or first initial and last name in combination with any one or more of the following data elements: (i) the individual's social security number. (ii) the individual's number on a driver license issued pursuant to section 28-3166 or number on a non-operating identification license issued pursuant to section 28-3165. (iii) the individual's financial account number or credit or debit card number in combination with any required security code access code or password that would permit access to the individual's financial account.	Notice shall be made in the most expedient manner possible and without unreasonable delay
Arkansas	Ark. Code § 4-110-101 et seq. Effective Date: 3-31-2005	1) Encryption 2) Redaction	1) Notification is not required if after a reasonable investigation the person or business determines that there is no reasonable likelihood of harm to customers. 2) Includes substitute notice provisions	AG may bring action	"Breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a person or business.	"Personal information" means an individual's first name or first initial and his or her last name in combination with any one (1) or more of the following data elements: (A) Social security number; (B) Driver's license number or Arkansas identification card number; (C) Account number, credit card number, or debit card number in combination with any required security code access code, or password that would permit access to an individual's financial account; and (D) Medical information.	In the most expedient time and manner possible and without unreasonable delay.
California	Cal. Civ. Code § 1798.82 Effective Date: 7-1-2003	Encryption	1) Includes substitute notice provisions 2) Each agency shall keep an accurate accounting of the date, nature, and purpose of each disclosure of a record made pursuant to subdivision	Right of private action	"Breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements (1) Social security number. (2) Drivers license number or California Identification Card number. (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Colorado	Col. Rev. Stat. § 6-1-716 Effective Date: 9/1/06	1) Encryption 2) Redacted 3) Secured by any other method rendering the element unreadable or unusable 4) If an investigation determines that misuse of information about a Colorado resident has not occurred and is not reasonably likely to occur.	Permits substitute notice of the breach if: 1) The cost of providing notice would exceed \$250k, 2) The affected class of persons to be notified exceeds 250,000 residents 3) There is not sufficient contact information to provide notice.	AG may bring action	"Breach of the security of the system" means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity.	"Personal information" means a Colorado resident's first name or first initial and last name in combination with any one or more of the following data elements: (a) Social Security number; (b) Driver's license number or identification card number; (c) Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial account.	Shall give notice as soon as possible to the affected Colorado resident. Notice shall be made in the most expedient time possible.
Connecticut	Conn. Gen Stat. 36A-701(b) Effective Date: 1-1-06	1) Encryption or "other means" 2) Notification s not required if, an appropriate investigation and consultation with relevant federal, state and local agencies responsible for law enforcement, reasonably determines that the breach will not likely result in harm to the individuals	Includes substitute notice provisions	AG may bring action	"Breach of security" means unauthorized access to or acquisition of electronic files, media, databases or computerized data containing personal information when access to the personal information has not been secured by encryption or by any other method or technology that renders the personal information unreadable or unusable.	"Personal information" means an individual's first name or first initial and last name in combination with any one, or more, of the following data: (1) Social Security number; (2) driver's license number or state identification card number; or (3) account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.	Disclosure should be made without unreasonable delay.
Delaware	De. Code tit. 6, § 12B-101 et seq. Effective Date: 6-28-2005	Encryption	1) If notice is required, must also notify Consumer Protection Division of Dept of Justice 2) Includes substitute notice provisions	1) Private action specifies triple damages plus atty fees 2) AG may bring action	"Breach of the security of the system" means the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity.	"Personal information" means a Delaware resident's first name or first initial and last name in combination with any one or more of the following data elements : (I) Social security number; (ii) driver's license number or Delaware Identification Card Number; (iii) account number, or credit or debit card number, alone or in combination with any required security code, access code, or password that would permit access to a resident's financial account; or (iv) individually identifiable information, in electronic or physical form, regarding the Delaware resident's medical history or medical treatment or diagnosis by a health care professional.	1) Shall give notice immediately following the discovery of a breach if personal information was, or is reasonably believed to have been, acquired by an unauthorized person. 2) Notification must be made in the most expedient time possible and without unreasonable delay 3) **if required to give notice of a breach in the security of personal information, shall also promptly provide written notification of the nature and circumstances of the breach to the Consumer Protection Division of the Department of Justice.
D. C.	B16-0810 Signed December 2006. To amend Title 28 of the DC code		DOES NOT include encryption safeharbor	1) Civil action to recover actual damages, the costs of the action, and reasonable attorney's fees. Actual damages shall not include dignitary damages, including pain and suffering. 2) The Attorney General may recover a civil penalty not to exceed \$100 for each violation, the costs of the action, and reasonable attorney's fees. 3) Each failure to provide a District of Columbia resident with notification in accordance with this section shall constitute a separate violation.	"Breach of the security of the system" means unauthorized acquisition of computerized or other electronic data, or any equipment or device storing such data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business.	"Personal information" means: An individual's first name or first initial and last name, or phone number, or address, and any one or more of the following data elements: (I) Social security number; (II) Driver's license number or District of Columbia Identification Card number; or (III) Credit card number or debit card number; or (ii) Any other number or code or combination of numbers or codes, such as account number, security code, access code, or password, that allows access to or use of an individual's financial or credit account.	1) The notification shall be made without unreasonable delay, 2) If required to notify more than 1,000 persons of a breach of security, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Florida	Fla. Stat. § 817.5681 Effective Date: 7-1-2005	Encryption	Includes substitute notice provisions	If required to make notification and fail to do so within specified time limits, liable for an administrative fine not to exceed \$500,000 (per breach, not individual). This also applies to companies that host data.	The terms "breach" and "breach of the security of the system" mean unlawful and unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of personal information maintained by the person.	"Personal information" means an individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: (a) Social security number. (b) Driver's license number or Florida Identification Card number. (c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account	1) The notification shall be made without unreasonable delay. Notification must be made no later than 45 days following the determination of the breach unless otherwise provided in this section. 2) Notification is not required if, after an appropriate investigation or after consultation with relevant federal, state, and local agencies responsible for law enforcement, the person reasonably determines that the breach has not and will not likely result in harm to the individuals whose personal information has been acquired and accessed. Such a determination must be documented in writing and the documentation must be maintained for 5 years.
Georgia	Ga. Code § 10-1-910 et seq. Effective Date: 5-5-05	1) Encryption 2) Redaction	Applies to Information Brokers	Right of private action			1) The notification shall be made without unreasonable delay. 2) If more than 10,000 persons, must also notify credit reporting agencies
Hawaii	Hawaii Rev. Stat. § 487N-2 Effective Date: 5-25-06	1) Risk of harm must be identified prior to reporting requirements 2) Encryption 3) Redaction down to four digits 4) HIPAA Covered Entities are deemed compliant	1) Includes both computerized and paper records 2) Includes substitute notice provisions,	Provides for enforcement by the Hawaii AG or its Executive Director of the Office of Consumer Protection.	"Security breach" means an incident of unauthorized access where illegal use has occurred.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted: (1) Social security number; (2) Driver's license number or Hawaii identification card number; or (3) Account number, credit or debit card number, access code, or password that would permit access to an individual's financial account.	1) Notice shall be made without unreasonable delay. 2) In the event a business provides notice to more than one thousand persons, the business shall notify in writing the State of Hawaii's office of consumer protection and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis.
Idaho	Id. Code §§ 28-51-104 to 28-51-107 Effective Date: 7-1-06	Encryption	Risk of harm must be identified prior to reporting requirements		"Security Breach" means the illegal acquisition of unencrypted computerized data that materially compromises the security, confidentiality, or integrity of personal information for one (1) or more persons maintained by an agency, individual or a commercial entity.	"Personal information" means an Idaho resident's first name or first initial and last name in combination with any one (1) or more of the following data elements that relate to the resident, when either the name or the data elements are not encrypted: (a) Social security number; (b) Driver's license number or Idaho identification card number; or (c) Account number, or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial account.	1) Notice is required if: If the investigation determines that the misuse of information about an Idaho resident has occurred or is reasonably likely to occur. 2) Notice shall be made without unreasonable delay need prompt investigation and notice as soon as possible
Illinois	815 Ill. Comp. Stat. 530/1 et seq. Effective Date: 1-1-06	1) Encryption 2) Redaction	Includes substitute notice provisions		"Breach of the security of the system data" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the data collector.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted: (1) Social Security number. (2) Driver's license number or State identification card number.	The disclosure notification shall be made in the most expedient time possible and without unreasonable delay

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Indiana	Ind. Code § 24-4.9 Effective Date: 7-1-2006	1) Encryption 2) Redaction	1) Includes paper if the information has ever been digitized; 2) Includes encrypted information if the breach COULD result in identity deception	1) AG may bring action; 2) fines up to \$150K per deceptive act plus fees and AG's costs in pursuing	1) "Breach of the security of a system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a person. 2) The term includes the unauthorized acquisition of computerized data that have been transferred to another medium, including paper, microfilm, or a similar medium, even if the transferred data are no longer in a computerized format.	"Personal information" means: (1) a Social Security number that is not encrypted or redacted; or (2) an individual's first and last names, or first initial and last name, and one (1) or more of the following data elements: (A) A driver's license number. (B) A state identification card number. (C) A credit card number. (D) A financial account number or debit card number in combination with a security code, password, or access code that would permit access to the person's account.	1) Notification shall be made without unreasonable delay. 2) If required to make a disclosure to more than one thousand (1,000) consumers shall also disclose to each consumer reporting agency
Iowa	No Proposal						
Kansas	Kansas Stat. 50-7a01, 50-7a02 (2006 S.B. 196, Chapter 149) Effective Date: 1-1-2007	1) Encryption 2) Redaction		AG may bring action	"Security breach" means the unauthorized access and acquisition of unencrypted or unredacted computerized data that compromises the security, confidentiality or integrity of personal information maintained by an individual or a commercial entity and that causes, or such individual or entity reasonably believes has caused or will cause identity theft to any consumer.	"Personal information" means a consumer's first name or first initial and last name linked to any one or more of the following data elements that relate to the consumer, when the data elements are neither encrypted nor redacted: (1) Social security number; (2) driver's license number or state identification card number; or (3) financial account number, or credit or debit card number, alone or in combination with any required security code, access code or password that would permit access to a consumer's financial account.	Security breach; requirements. Notice must be made in the most expedient time possible and without unreasonable delay if an investigation determines that the misuse of information has occurred or is reasonably likely to occur. If notice must be made to more than 1,000 consumers at one time, consumer-reporting agencies must also be notified
Kentucky	2006 Proposed HB 4 (passed house)						
Louisiana	La. Rev. Stat. § 51:3071 et seq. Effective Date: 1-1-2006	1) Encryption 2) Redaction	1) Notification is not required if after a reasonable investigation the person or business determines that there is no reasonable likelihood of harm to customers. 2) Includes substitute notice provisions,	Right to Private action.	"Breach of the security of the system" means the compromise of the security, confidentiality, or integrity of computerized data that results in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of and access to personal information maintained by an agency or person.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted: (i) Social security number. (ii) Driver's license number. (iii) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	The notification shall be made in the most expedient time possible and without unreasonable delay

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Maine	Me. Rev. Stat. tit. 10 §§ 1347 et seq. Effective Date: 1-31-2006	1) Encryption 2) Redaction	1) Notice is required if an investigation determines that misuse of the personal information has occurred or if it is reasonably possible that misuse will occur 2) Contains substitute notice provisions	1) AG shall enforce this chapter. 2) Civil violation. A person that violates this chapter commits a civil violation and is subject to one or more of the following: A. A fine of not more than \$500 per violation, up to a maximum of \$2,500 for each day the person is in violation of this chapter. Cumulative effect. The rights and remedies available under this section are cumulative and do not affect or prevent rights and remedies available under federal or state law.	"Breach of the security of the system" or "security breach" means unauthorized acquisition of an individual's computerized data that compromises the security, confidentiality or integrity of personal information of the individual maintained by person. Good faith acquisition of personal information by an employee or agent of a person on behalf of the person is not a breach of the security of the system if the personal information is not used for or subject to further unauthorized disclosure.	"Personal information" means an individual's first name, or first initial, and last name in combination with any one or more of the following data elements: A. Social security number; B. Driver's license number or state identification card number; C. Account number, credit card number or debit card number, if circumstances exist wherein such a number could be used without additional identifying information, access codes or passwords; D. Account passwords or personal identification numbers or other access codes or E. Any of the data elements contained in paragraphs A to D when not in connection with the individual's first name, or first initial, and last name, if the information if compromised would be sufficient to permit a person to fraudulently assume or attempt to assume the identity of the person whose information was compromised.	Notice must be made as expeditiously as possible and without unreasonable delay
Maryland	2006 Proposed HB 630, HB 1170, and S.B. 486						
Massachusetts	2007 proposed HB 4775						
Michigan	2006 S.B. 309, Public Act 566 Effective Date: 6-29-2007	1) HIPAA Covered Entities are excluded. 2) GLB Covered Entities are excluded. 3) Encrypted 4) Redaction	Contains substitute notice provisions	1) Enforcement is allowed by the AG or a prosecuting attorney. 2) Persons or agencies who fail to provide notice may be ordered to pay a civil fine of not more than \$250.00 for each failure to provide notice, capped at \$750,000.00 per security breach. 3) Criminal penalties for notice of a security breach that has not occurred, where such notice is given with the intent to defraud. The offense is a misdemeanor, punishable by imprisonment for not more than 30 days or a fine of not more than \$250.00 per violation (or both).	"Security breach" means the unauthorized access and acquisition of data that compromises the security or confidentiality of personal information maintained by a person or agency as part of a database of personal information regarding multiple individuals.	"Personal information" means the first name or first initial and last name linked to 1 or more of the following data elements of a resident of this state: (i) Social security number. (ii) Driver license number or state personal identification card number. (iii) Demand deposit or other financial account number, or credit card or debit card number, in combination with any required security code, access code, or password that would permit access to any of the resident's financial accounts.	Written notice made to the individual without unreasonable delay. If the agency determines that the security breach has not or is not likely to cause substantial loss or injury to, or result in identity theft reporting is not required
Minnesota	Minn. Stat. § 325E.61, § 609.891 Effective Date: 1-1-2006	1) HIPAA Covered Entities excluded. 2) Encryption	Requires notification of consumer reporting agencies if notice is provided to more than 500 people.	AG may bring action	"Breach of the security of the data" means unauthorized acquisition of data maintained by a state agency that compromises the security and classification of the data.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or Minnesota identification card number; or (3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	1) Without unreasonable delay 2) Must notify all credit reporting agencies within 48 hours if more than 500 people effected
Mississippi	2007 Proposed S.B. 2089						

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Missouri	2006 Proposed S.B. 506						
Montana	Montana Code Annotated 2005 30-14-1701 et seq. Effective Date: 3-1-2006	Encryption	1) Notification required if "... causes ... loss or injury to a Montana resident ..." 2) Includes substitute notice provisions, see statute for detail. 3) Contains records destruction provisions. 4) Includes substitute notice provisions	1) AG may bring action, 2) State may enjoin violations and impose civil penalties	"Breach of the security of the data system" means unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of personal information maintained by the person or business and causes or is reasonably believed to cause loss or injury to a Montana resident.	"Personal information" means an individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: (a) Social security number. (b) Driver's license number or state identification Card number. (c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account	Notice must be provided without unreasonable delay
Nebraska	Neb. Rev Stat 87-801 et. seq. Effective Date: 7-13-2006	1) Encryption 2) Redaction 3) Data otherwise altered by any method or technology in such a manner that the name or data elements are unreadable	Includes substitute notice provisions	AG may bring action	"Breach of the security of the system" means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity.	"Personal information" means a Nebraska resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident: (a) Social security number. (b) Driver's license number or state identification Card number. (c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account (d) Unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation.	
Nevada	Nevada Revised Statute 603A.010 et seq. Effective Date: 1-1-2006	1) Encryption 2) GLB Covered Entities	Requires business to encrypt all transmissions other than faxes outside of the secure system of the business. Requirement effective 10-1-2008	AG may bring action	"Breach of the security of the system data" means unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of personal information maintained by the data collector.	"Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements: 1. Social security number or employer identification number. 2. Driver's license number or identification card number. 3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.	1) Notice must be provided without unreasonable delay 2) must also notify credit reporting agencies if more than 1,000 people

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
New Hampshire	N.H. RS 359-C:19 et seq. Effective Date: 1-1-2007	Encryption	1) Notice must be made if the determination is that misuse of the information has occurred or is reasonably likely to occur, or if a determination cannot be made 2) Includes substitute notice provisions, see statute for detail.	Any person injured by any violation under this subdivision may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages. If the court finds that the act or practice was a willful or knowing violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court.	"Security breach" means unauthorized acquisition of computerized data that compromises the security or confidentiality of personal information maintained by a person doing business in this state.	"Personal information" means an individual's first name or initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted: (1) Social security number. (2) Driver's license number or other government identification number. (3) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	1) Notify the affected individuals as soon as possible 2) Shall notify the New Hampshire attorney general's office. The notice shall include the anticipated date of the notice to the individuals and the approximate number of individuals in this state who will be notified. 3) If a person is required to notify more than 1,000 consumers of a breach of security pursuant to this section, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis,
New Jersey	N.J. Stat. 56:8-163 Effective Date: 1-1-2006	1) Encryption 2) Other method or technology that renders the personal information unreadable or unusable.	1) Notification not required if the business establishes that misuse of the information is not reasonably possible. 2) Requires all security breaches to be reported to the State Police before notifying customers. 3) Contains data destruction provisions.	1) Right to private action. 2) AG shall enforce	"Breach of security" means unauthorized access to electronic files, media or data containing personal information that compromises the security, confidentiality or integrity of personal information when access to the personal information has not been secured by encryption or by any other method or technology that renders the personal information unreadable or unusable.	"Personal information" means an individual's first name or first initial and last name linked with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or State identification card number; or (3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	1) The disclosure shall be made in the most expedient time possible and without unreasonable delay 2) Report the breach of security and any information pertaining to the breach to the Division of State Police in the Department of Law and Public Safety 3) Breach of more than 1,000 persons at one time, the business or public entity shall also notify all consumer reporting agencies that compile or maintain files on consumers on a nationwide basis
New Mexico	No Proposal						
New York	N.Y. Bus. Law § 899-aa Effective Date: 12-8-2005	Encryption	This law pre-empts any City or Local laws	1) AG bring action 2) If the business acted recklessly, the court may impose a civil penalty of the greater of five thousand dollars or up to ten dollars per instance of failed notification, provided that the latter amount shall not exceed one hundred fifty thousand dollars.	"Breach of the security of the system" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by a state entity.	"Private information" shall mean personal information in combination with any one or more of the following data elements (1) social security number; (2) driver's license number or non-driver identification card number; or (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.	1) The disclosure shall be made in the most expedient time possible and without unreasonable delay. 2) In the event that more than five thousand new York residents are to be notified at one time, the person or business shall also notify consumer reporting agencies
North Carolina	N.C. Gen. Stat § 75-65 Effective Date: 10-1-2006	Encryption	Applies to information in any form, includes any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics (whether computerized, paper, or otherwise)	No private right of action may be brought by an individual for a violation of this section unless such individual is injured as a result of the violation. (j) Causes of action arising under this Article may not be assigned.	"Security breach" – An incident of unauthorized access to and acquisition of records or data containing personal information where unauthorized or illegal use of the personal information has occurred or is reasonably likely to occur. "Records" – Any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.	"Identifying information" includes: Social security numbers, Drivers license, State identification card, or passport, Checking account numbers, Savings account numbers, Credit card numbers, Debit card number, Personal Identification (PIN) Code as defined in G.S. 14‑113.8(6), Electronic identification, Any other numbers or information that can be used to access a person's financial resources.	1) The disclosure notification shall be made without unreasonable delay. 2) Notice to more than 1,000 consumers at one time pursuant to this section, the business shall notify, without unreasonable delay, the Consumer Protection Division of the Attorney General's Office and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
North Dakota	N.D. Cent. Code § 51-30-01 et seq. Effective Date: 6-1-2005	Encryption		1) The attorney general may impose by order and collect a civil penalty against a person found in an adjudicative proceeding to have violated a cease and desist order issued pursuant to this section, in an amount not more than one thousand dollars for each violation. 2) The attorney general may bring an action in district court to recover penalties under this section.	"Breach of the security system" means unauthorized acquisition of computerized data when access to personal information has not been secured by encryption or by any other method or technology that renders the electronic files, media, or data bases unreadable or unusable.	"Personal information" means an individual's first name or first initial and last name in combination with any of the following data elements: (1) The individual's social security number; (2) The operator's license number assigned to an individual by the department of transportation (3) A nondriver color photo identification card number assigned to the individual by the department of transportation (4) The individual's financial institution account number, credit card number, or debit card number in combination with any required security code, access code or password that would permit access to an individual's financial accounts; (5) The individual's date of birth; (6) The maiden name of the individual's mother; (7) An identification number assigned to the individual by the individual's employer; or (8) The individual's digitized or other electronic signature	The disclosure must be made in the most expedient time possible and without unreasonable delay
Ohio	Ohio Rev. Code § 1349.19, §1347 et seq. Effective Date: 2-17-2006	1) Encryption 2) Redaction	Must report on breaches that are reasonably believed to have caused, or reasonably are believed will cause a material risk of ID theft or other fraud.	For each day that the state agency, agency of a political subdivision, or person has intentionally or recklessly failed to comply with the applicable section, subject to divisions (A)(1)(b) and (c) of this section, a civil penalty of up to one thousand dollars for each day the agency or person fails to comply with the section; Day 61 -day 90 penalty is \$5000 per day. Day 91 forward is \$10,000.00 per day	"Breach of the security of the system" means unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by a state agency or an agency of a political subdivision and that causes, reasonably is believed to have caused, or reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of a resident of this state	"Personal information" means, an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable: (i) Social security number; (ii) Driver's license number or state identification card number; (iii) Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.	1) Notification must be made "in the most expedient time possible" and not later than 45 days following discovery or notification of the breach. 2) If more than one thousand residents are involved in a single breach the person shall notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis
Oklahoma	Okla. Stat. § 74 3113.1 Effective Date: 6-8-2006	Applies only to state agencies, boards, commissions, or outer units of subdivisions of state government	applies to government agencies only				
Oregon	2005 Proposed S.B. 626, S.B. 630, S.B. 1057						

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Pennsylvania	73 Pa. Cons. Stat. § 2303 Effective Date: 6-22-2006	1) Encryption 2) Redaction	Includes substitute notice provisions,	The Office of Attorney General shall have exclusive authority to bring an action under the Unfair Trade Practices and Consumer Protection Law for a violation of this act	"Breach of the security of the system." The unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the entity as part of a database of personal information regarding multiple individuals and that causes or the entity reasonably believes has caused or will cause loss or injury to any resident of this Commonwealth.	"Personal information." An individual's first name or first initial and last name in combination with and linked to any one or more of the following data elements: Social Security number, Driver's license number or a State identification card number issued in lieu of a driver's license, Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.	1) Notice shall be made without unreasonable delay. 2) If more than 1,000 persons at one time, the entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis
Rhode Island	R.I. Gen. Laws § 11-49.2-1 et seq. Effective Date: 3-1-2006	Encryption	1) Notification of a breach is not required if, after an appropriate investigation or after consultation with relevant federal, state, or local law enforcement agencies, a determination is made that the breach has not and will not likely result in a significant risk of identity theft to the individuals whose personal information has been acquired. 2) Includes substitute notice provisions,	Each violation is a civil violation for which a penalty of not more than a hundred dollars (\$100) per occurrence and not more than twenty-five thousand dollars (\$25,000) may be adjudged against a defendant.	"Breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted: (1) Social security number. (2) Driver's license number or Rhode Island identification card number. (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	The disclosure shall be made in the most expedient time possible and without unreasonable delay.
South Carolina	2007 Proposed HB 3035, S.B. 8						
South Dakota	No Proposal						
Tennessee	Tenn. Code § 47-18-2107 Effective Date: 7-1-2005	Encryption	1) Substitute notice provisions 2) Contains a data destruction rule	Right of Private Action	"Breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the information holder.	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted: (1) Social security number. (2) Drivers license number or (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.	1) The disclosure shall be made in the most expedient time possible and without unreasonable delay. 2) If more than 1000 persons you must notify Consumer Reporting Agencies
Texas	Texas Bus. & Com.Code 48.001et seq. Effective Date: 9-1-2005	Encryption	1) Substitute notice provisions 2) Contains a data destruction rule	1) Provides for Civil penalties 2) AG may enjoin activities 3) Provides for equitable relief for ID theft victims and a declaration that an individual is an ID theft victim.	"Breach of system security" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person	"Sensitive personal information": (A) means an individual's first name or first initial and last name in combination with any one or more of the following items: (i) social security number; (ii) driver's license number or government-issued identification number; or (iii) account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account	1) The disclosure shall be made as quickly as possible. 2) Requires credit reporting agencies to be notified if more than 10,000 persons are affected. 3) Includes substitute notice provisions

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Utah	Utah Code 13-44-101 et seq. Effective Date: 1-1-2007	1) Encryption 2) Protected by another method that renders the data unreadable or unusable.	1) Notification required if an investigation reveals that the misuse of personal information for identity theft or fraud purposes has occurred, or is reasonably likely to occur 2) Contains a data destruction rule	1) The AG may enforce this chapter's provisions. 2) Provides for Civil Penalties 3) The attorney general may seek injunctive relief to prevent future violations	"Breach of system security" means an unauthorized acquisition of computerized data maintained by a person that compromises the security, confidentiality, or integrity of personal information.	"Personal information" means a person's first name or first initial and last name, combined with any one or more of the following data elements: (i) Social Security number; (ii) (A) financial account number, or credit or debit card number; and (B) any required security code, access code, or password that would permit access to the person's account; or (iii) driver license number or state identification card number.	If the investigation reveals that the misuse of personal information for identity theft or fraud purposes has occurred, or is reasonably likely to occur, notification must be provided in the most expedient time possible without unreasonable delay
Vermont	Vt. Stat. Tit. 9 § 2430 et seq. Effective Date: 1-1-2007	1) Encryption 2) Redaction 3) Data otherwise altered by any method or technology in such a manner that the name or data elements are unreadable	1) Notice need not be given if the data collector establishes that misuse is not reasonably possible and provides notice of that determination and an explanation to the AG or to the department of banking, insurance, securities, and health care administration, as applicable. 2) Substitute notice provisions	AG/Regulatory agencies have sole enforcement powers	"Security breach" means unauthorized acquisition or access of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the data collector	"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted or protected by another method that renders them unreadable or unusable by unauthorized persons: (i) Social Security number; (ii) Motor vehicle operator's license number or nondriver identification card number; (iii) Financial account number or credit or debit card number, if circumstances exist in which the number could be used without additional identifying information, access codes, or passwords; (iv) Account passwords or personal identification numbers or other access codes for a financial account.	Notice of the breach shall be made in the most expedient time possible and without unreasonable delay
Virginia	2006 Proposed HB 1154, HB 1508, HB 2721						
Washington	Wash. Rev. Code 19.255.010 Effective Date: 7-24-2005	Encryption. Safe Harbor: "shall not be required to disclose a technical breach of the security system that does not seem reasonably likely to subject customers to a risk of criminal activity"	A person or business under this section shall not be required to disclose a technical breach of the security system that does not seem reasonably likely to subject customers to a risk of criminal activity.	1) Right to private action. 2) AG shall enjoin	Unauthorized acquisition or access of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business.	Individuals name, or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted: SSN, Driver's License Number/WA ID card number, or account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account.	Must provide notice in the most expedient time possible and without unreasonable delay
West Virginia	2006 Proposed HB 4551						

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Breach Defined	Personal Information Defined	Reporting Requirements
Wisconsin	Wis Stat 895.507 Effective Date: 3-31-2006	1) HIPAA Covered Entities excluded. 2) GLB Covered Entities excluded. 3) Encryption 4) Redaction 5) Data altered in a manner that renders the element unreadable	1) Notification is not required if the breach "does not create a material risk of identity theft or fraud to the subject of the personal information. 2) Requires credit-reporting agencies to be notified if more than 1,000 persons must be notified.		If entity knows that personal information in the entity's possession has been acquired by a person whom the entity has not authorized to acquire the personal information.	Individual's last name and the individual's first name or first initial, in combination with and linked to any of the following elements: SSN, Driver's License number of state ID number; the number of the individual's financial account number including a credit/debit card # or any security code, access code, or password that would permit access to the individual's financial account; DNA profile, unique biometric data, including fingerprint, voice print, retina/iris image or any other unique physical representation."	1) Must provide notice within 45 days. 2) If more than 1,000 persons, must notify credit reporting agencies also
Wyoming	2007 Proposed S.B. 53, S.B. 65						