



U.S. DATA BREACH LAWS

DATA BREACH LAWS ACROSS THE UNITED STATES:

Given the complex and differing laws in each state, we rely on the National Conference of State Legislatures' list of data breach laws. The following list is a summary of each law, and does not provide the full content of each state's law. If you would like to learn more about each law in-depth, the National Conference of State Legislatures' has a list of the specific citations for each state:

<http://www.ncsl.org/research/telecommunications-and-information-technology/security-breach-notification-laws.aspx>. The site provides comparative information only and should not be relied upon or construed as legal advice.

It is important to note that many times these laws do not only apply to organizations physically located in the state. They can be applicable to an organization if they do business in the state, or collect user information from individuals in the given state. This is particularly relevant in if the organization does business online, as their customer base could be from a multitude of states.

Note: Alabama and South Dakota have not issued data breach statutes.

GENERAL DATA PROTECTION REGULATION (GDPR)

The European Commission passed the General Data Protection Regulation (GDPR) in 2016 that affects all citizens and residents in the European Union. If your business activities collect or process personal data of individuals located inside the E.U., this regulation will apply. It includes personal data – such as:

“...any information relating to an individual, whether it relates to his or her private, professional or public life. It can be anything from a name, a home address, a photo, an email address, bank details, posts on social networking websites, medical information, or a computer's IP address...”

As a small business owner it is important to identify how your online activities involve suppliers, customers or business partners in the EU – this analysis will determine whether your business may be impacted by GDPR.

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DID YOU KNOW?

- ✓ Data breaches continue to increase each year, outpacing the previous year.
- ✓ Did you know...each state has its own regulations for notifying customers if they are impacted by your data breach?
- ✓ Become familiar with the regulations for each of the states you do business or have customers in those states.

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State Data Breach Laws continued...

SAFE HARBOR FOR ENCRYPTED DATA

Safe Harbor for Encrypted Data - is defined as a provision in state law or other regulation that reduces an organization's liability under data breach notification – if the data was encrypted at the time of the data compromise. Most state laws include this provision in their statutes.

We would like to recognize the National Conference of State Legislators, listing of security breach notification laws – the summary of each is provided below:

Alaska	<p>Alaska Stat. § 45.48.010 <i>et seq.</i></p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information</p> <p>Analysis of Harm: If an investigation reveals there is no likely harm to a user, disclosure is not required</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Arizona	<p>Ariz. Rev. Stat. § 18-545</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN.</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Disclosure is required if a breach has occurred</p> <p>Safe Harbor for Encrypted Data: Yes</p>

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	Notification Timing: Must disclose the breach as soon as possible
Arkansas	<p>Ark. Code §§ 4-110-101 <i>et seq.</i></p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN.</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Disclosure is not required if investigation reveals no reasonable likelihood of harm to the user.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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California	<p>Cal. Civ. Code §§ 1798.29, 1798.82</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, Medical Information, Health Insurance Information, Username/Email in combination with a password.</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: None</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Colorado	<p>Colo. Rev. Stat. § 6-1-716</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Disclosure is not required if investigation reveals no reasonable likelihood of harm to the user.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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Connecticut	<p>Conn. Gen Stat. §§ 36a-701b, 4e-70</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Disclosure is not required if investigation reveals no reasonable likelihood of harm to the user.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach without delay, but no longer than 90 days after the breach</p>
Delaware	<p>Del. Code tit. 6, § 12B-101 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Disclosure is not required if investigation reveals no reasonable likelihood of harm to the user.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Florida

Fla. Stat. §§ [501.171](#), [282.0041](#), [282.318\(2\)\(i\)](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Passport, or other ID number, Credit Card Number, Passwords, or PIN, Any Medical History, Health Insurance policy number or other unique identifier, Email/Username and Password to online accounts.

Definition of Breach: Unauthorized access of electronic personal information

Analysis of Harm: Disclosure is not required if investigation reveals no reasonable likelihood of harm to the user.

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible, not later than 30 days

Georgia

[Ga. Code](#) §§ 10-1-910, -911, -912; § 46-5-214

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN. Or if any information is not connected with a name, if it could be used for the purposed of identity theft.

Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: None

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

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Hawaii	<p>Haw. Rev. Stat. § 487N-1 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN.</p> <p>Definition of Breach: Unauthorized acquisition and access, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: If definition of breach is not met, notice is not required</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Idaho	<p>Idaho Stat. §§ 28-51-104 to -107</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN.</p> <p>Definition of Breach: Unauthorized acquisition and access, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: If definition of breach is not met, notice is not required. Also, if there is no reasonable likelihood that information will be misused.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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Illinois	<p>815 ILCS §§ 530/1 to 530/25</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, Medical Information, Health Insurance Information, Unique Biometric Data, Username and Password, or Security Question</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: None</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Indiana	<p>Ind. Code §§ 4-1-11 et seq., 24-4.9 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN,</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Must disclose after discovering the breach</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Iowa

Iowa Code §§ [715C.1](#), [715C.2](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, unique electronic identifier or routing code, unique biometric data.

Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: Must disclose after discovering the breach

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

Kansas

Kan. Stat. § [50-7a01 et seq.](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN

Definition of Breach: Unauthorized acquisition or access, or belief thereof, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: Must disclose after discovering the breach if there is likelihood of harm, and definition of breach has been met

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

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State Data Breach Laws continued...

Kentucky

KRS § [365.732](#), KRS §§ [61.931 to 61.934](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN

Definition of Breach: Unauthorized acquisition or access, or belief thereof, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: If definition of breach has not been met notice is not required

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

Louisiana

La. Rev. Stat. §§ [51:3071 et seq.](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN

Definition of Breach: Unauthorized acquisition or access, or belief thereof, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: If likelihood of harm is present, notice is required

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

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Maine	<p>Me. Rev. Stat. tit. 10 § 1346 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN. Or if any information is not connected with a name, if it could be used for the purposed of identity theft.</p> <p>Definition of Breach: Unauthorized acquisition, release, or use of an individual's information, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: If there is a breach and the likelihood of misuse of the information notice is required</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Maryland	<p>Md. Code Com. Law §§ 14-3501 <i>et seq.</i>, Md. State Govt. Code §§ 10-1301 to -1308</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, or Individual Taxpayer ID Number</p> <p>Definition of Breach: Unauthorized acquisition, or belief thereof, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: If there is a breach and the likelihood of misuse of the information notice is required</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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Massachusetts	<p>Mass. Gen. Laws § 93H-1 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition, or use of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: If definition of breach is not met notice is not required</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Michigan	<p>Mich. Comp. Laws §§ 445.63, 445.72</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition, or access of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if there is no likelihood of substantial harm due to the breach</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Minnesota

Minn. Stat. §§ [325E.61](#), [325E.64](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN

Definition of Breach: Unauthorized acquisition, or access of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: None

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

Mississippi

[Miss. Code](#) § 75-24-29

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN

Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: Notice is not required if there is no likelihood of substantial harm due to the breach

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

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Missouri	<p>Mo. Rev. Stat. § 407.1500</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, Medical, Health Insurance</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Montana	<p>Mont. Code §§ 2-6-1501 to -1503, 30-14-1701 et seq., 33-19-321</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, or Taxpayer ID Number</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if definition of breach is not met</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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Nebraska

Neb. Rev. Stat. §§ [87-801 et seq.](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, unique electronic identifier or routing code, unique biometric data.

Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: Notice is required if there has been a breach

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

Nevada

Nev. Rev. Stat. §§ [603A.010 et seq.](#), [242.183](#)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN

Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: Notice is not required if definition of breach is not met

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

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New Hampshire	<p>N.H. Rev. Stat. §§ 359-C:19 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if there has been a breach</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
New Jersey	<p>N.J. Stat. § 56:8-161 <i>et seq.</i></p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN.</p> <p>Definition of Breach: Unauthorized access of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if investigation reveals likelihood of harm is not plausible</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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New Mexico

[2017 H.B. 15, Chap. 36](#) (effective 6/16/2017)

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, unique electronic identifier or routing code, unique biometric data.

Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: N/A

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible, not later than 45 days after the breach

New York

[N.Y. Gen. Bus. Law § 899-AA](#), [N.Y. State Tech. Law 208](#)

Definition of PII: An individual's personal or private, information that is associated to that person

Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: Notice is required if there has been a breach

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

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North Carolina	<p>N.C. Gen. Stat §§ 75-61, 75-65</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, unique electronic identifier or routing code, unique biometric data.</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if definition of breach is not met</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
North Dakota	<p>N.D. Cent. Code §§ 51-30-01 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, digital signature, birthdate, or employee ID</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: NONE</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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Ohio	<p>Ohio Rev. Code §§ 1347.12, 1349.19, 1349.191, 1349.192</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if definition of breach is not met</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Oklahoma	<p>Okla. Stat. §§ 74-3113.1, 24-161 to -166</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if definition of breach is not met</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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Oregon	<p>Oregon Rev. Stat. §§ 646A.600 to .628</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, unique electronic identifier or routing code, unique biometric data, Medical data, Health data, Health insurance data</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if definition of breach is not met</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Pennsylvania	<p>73 Pa. Stat. §§ 2301 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition or access of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if there is a breach.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Rhode Island	<p>R.I. Gen. Laws §§ 11-49.3-1 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, unique electronic identifier or routing code, unique biometric data, Medical data, Health data, Health insurance data</p> <p>Definition of Breach: Unauthorized acquisition or access of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if any breach occurs</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible, but not more than 45 days after</p>
South Carolina	<p>S.C. Code § 39-1-90</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized access and acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if there is reasonable likelihood that information misuse will not occur.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Tennessee	<p>Tenn. Code §§ 47-18-2107; 8-4-119</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if there is any breach</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible, but no later than 45 days after</p>
Texas	<p>Tex. Bus. & Com. Code §§ 521.002, 521.053</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if there is any breach</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Utah	<p>Utah Code §§ 13-44-101 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if there is reasonable likelihood that information misuse will not occur.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Vermont	<p>Vt. Stat. tit. 9 §§ 2430, 2435</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, account information such as username and password</p> <p>Definition of Breach: Unauthorized access and acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if there is reasonable likelihood that information misuse will not occur.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Virginia	<p>Va. Code §§ 18.2-186.6, 32.1-127.1:05</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized access and acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if there is a reasonable belief information will be misused</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Washington	<p>Wash. Rev. Code §§ 19.255.010, 42.56.590</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if there is reasonable likelihood that consumers will not be harmed</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

West Virginia	<p>W.V. Code §§ 46A-2A-101 et seq.</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN</p> <p>Definition of Breach: Unauthorized access and acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is required if there is reasonable likelihood that information misuse will occur.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>
Wisconsin	<p>Wis. Stat. § 134.98</p> <p>Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, DNA information, Biometric data, or other account information such as username and password</p> <p>Definition of Breach: Unauthorized access and acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.</p> <p>Analysis of Harm: Notice is not required if there is reasonable likelihood that information misuse will not occur.</p> <p>Safe Harbor for Encrypted Data: Yes</p> <p>Notification Timing: Must disclose the breach as soon as possible</p>

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State Data Breach Laws continued...

Wyoming

[Wyo. Stat.](#) §§ 40-12-501 *et seq.*

Definition of PII: An individual's name in conjunction with: SSN, Driver's License Number, Credit Card Number, Passwords, or PIN, Taxpayer ID number, Biometric data, Medical data, Health insurance data, Username and password information, Security tokens

Definition of Breach: Unauthorized access and acquisition of an individual's information, which compromises the confidentiality, integrity, or security of the information.

Analysis of Harm: If definition of breach is not met notice is not required.

Safe Harbor for Encrypted Data: Yes

Notification Timing: Must disclose the breach as soon as possible

RESOURCES

- <https://www.foley.com/files/Publication/c31703ac-ee93-40a5-b295-7e1d9fe45814/Presentation/PublicationAttachment/338e8352-e63e-4c66-89b1-622ce1ab3f30/17.MC2855%20Data%20Breach%20Chart%20R2.pdf>
- <https://www.veracode.com/blog/2012/03/what-is-a-data-breach>
- <http://searchsecurity.techtarget.com/definition/data-breach>
- <http://www.ncsl.org/research/telecommunications-and-information-technology/security-breach-notification-laws.aspx>

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