

STATE SECURITY BREACH NOTIFICATION LAWS

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State	Bill Number * = Onerous Term(s)	Encryption Exception?	Redaction Exception?	Law Enforcement Exception?	Substitute Notice Allowed?	Federal Regulation Exception?	Private Cause of Action?	Excludes Public Info.?	Notify Credit Agencies?	Special Terms
Alaska	Pending (2006)									
Alabama	Pending (2006)									
Arizona	S.B. 1338 (2006)	Yes; i.e., notice not required if data encrypted	Yes, excludes last 4 digits of SSN and other redacted records.	Yes	Yes, via e- mail, website or media, if other notice >\$50,000 or >100,000 affected residents	Yes, if in compliance with federal notice regulations, such as HIPAA or GLB Act	No	Excludes info. in public government records and in "widely distributed" public media	No	
Arkansas	* S.B. 1167 (2005)	Yes	Yes	Yes	>\$250,000 or >500,000 residents	Yes	No	Excludes info. in all publicly disseminated directories	No	"Personal information" also includes medical records. Affirmative duty to destroy unnneeded sensitive personal data and safeguard all personal data.
California	S.B. 1386 (2002)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	Yes	Excludes info. in public government records	No	

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Colorado	* H.B. 1119 (2006)	Yes	Yes	Yes	>\$250,000 or >250,000 residents	Yes	No	Excludes info. in public government records and public media	Yes, if >1,000 residents affected	
Connecticut	S.B. 650 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	Banks	No	Excludes info. in public government records and public media	No	
Delaware	H.B. 116 (2005)	Yes	No	Yes	>\$75,000 or >100,000 residents	Yes and state regulation	No	Excludes info. in public government records	No	
Florida	* H.B. 481 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	Yes, banks	No	Excludes info. in public government records and public media	Yes, if >1,000 residents affected	Notice within 45 days of breach. Hosting company must notify owner in 10 days. Up to \$500,000 fine.
Georgia	S.B. 230 (2005)	Yes	Yes	Yes	>\$250,000 or >500,000 residents	No	Not explicit	Excludes info. in public government records	Yes, if >10,000 residents affected	Information brokers only. Individual's name need not be acquired for act to apply.
Hawaii	* S.B. 2290 (2006)	Yes	Yes, last four digits	Yes	>\$100,000 or >200,000 residents	Yes	Yes, damages and attorneys' fees	Excludes info. in public government records	No	Notice must include: (1) description of incident; (2) type of info. accessed; (3) acts taken to

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										protect info. from further access; (4) telephone number; (5) advise to review account statements and credit reports.
Idaho	S.B. 1374 (2006)	Yes	No	Yes	>\$25,000 or >50,000 residents	Yes and state regulation	No	Excludes info. in public government records and public media	No	Up to \$25,000 fine
Illinois	H.B. 1633 (2005)	Yes	Yes	No	>\$250,000 or >500,000 residents	No	Yes	Excludes info. in public government records	No	
Indiana	H.B. 1101 (2006)	Yes, unless encryption key is accessed as well	Yes, if only last 4 digits.	Yes	>\$250,000 or >500,000 residents	Yes	No	Excludes info. in public government records	No	Does not require breach, if stolen laptop requires password. Up to \$150,000 fine.
Iowa	Pending (2006)									
Kansas	S.B. 196 (2006)	Yes	Yes, excludes last 4 digits of SSN and last 5 of driver's license.	Yes	>\$100,000 or >5,000 residents	Yes and state regulation	No	Excludes info. in public government records	Yes, if >1,000 residents affected	
Kentucky	Pending (2006)									
Louisiana	S.B. 205 (2005)	Yes	Yes	Yes	>\$250,000 or >500,000 residents	Banks	Yes	Excludes info. in public government records	No	

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Maine	L.D. 1671 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	Yes	Yes	No	No	Fine up to \$25,000 per day
Maryland	NONE									
*Massachusetts	BILL (NOT ENACTED): S.B. 2058 (2006)	NO	No	Yes	>\$250,000 or >500,000 residents	No	No	No	No	
Michigan	Pending (2006)									
Minnesota	H.F. 2121 / S.F. 2118 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	Banks	No	Excludes info. in public government records	Yes, if >500 residents affected	
Mississippi	NONE									
Missouri	NONE									
Montana	* H.B. 732 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	No	Excludes info. in public government records	No	SSN alone, without name, is considered sufficient. Affirmative duty to destroy unnecessary personal data.
Nebraska	* L.B. 876 (2006)	Yes	Yes, last 4 digits	Yes	>\$75,000 or >100,000 residents	Yes and state regulation	No	Excludes info. in public government records	No	Includes biometric data.
Nevada	* A.B. 334 (2005)	NO	No	Yes	>\$250,000 or >500,000 residents	Entities subject to GLB	Yes, and attorneys' fees and punitive damages	No	Yes, if >1,000 residents affected	Must provide notice in 30 days
New Hampshire	* H.B. 1660 (2007)	Yes, but not if key or password is	No	Yes; Homeland Security, as	>\$5,000 or >1,000 residents	Yes, and state regulators	Yes, up to 3 times damages,	Excludes info. in public	Yes, if >1,000 residents	Notice must include: (1) description of

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		also acquired		well as law enforcement			<i>plus attorneys' fees</i>	government records	affected	incident; (2) date of breach; (3) type of info. obtained; (4) telephone number.. Must also notify state Attorney General or state regulator (banks, securities companies, insurance companies, and public utilities).
New Jersey	A.B. 4001 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	No	Excludes info. in public government records and in "widely distributed" public media	Yes, if >1,000 residents affected	Affirmative duty to destroy unnecessary personal data. Must also report to State Police.
New Mexico	NONE									
New York	A.B. 4254 / S.B. 3492 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	No	Excludes info. in public government records	Yes, if >5,000 residents affected	Up to \$150,000 fine
North Carolina	* H.B. 1248 / S.B. 1048 (2005)	Yes, unless key is also acquired	Yes, last 4 digits	Yes	>\$250,000 or >500,000 residents	Yes	Yes	Excludes info. in public government records and all publicly available	Yes, if >1,000 residents affected	Notice must include: (1) description of incident; (2) type of info. accessed; (3) acts taken to

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								directories		protect info. from further access; (4) telephone number; (5) advice to review account statements and credit reports. Personal info. does <u>not</u> include ID numbers, email addresses, Internet account numbers, Internet identification names, mother's maiden name, or password unless would permit access to a person's financial account.
North Dakota	S.B. 2251 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	Banks	No	Excludes info. in public government records	No	Personal info. also includes digitized signature
Ohio	H.B. 104 (2005)	Yes	Yes, last 4 digits	Yes	>\$250,000 or >500,000 residents	Banks	No	Excludes info. in public government records and in "widely distributed" public media	Yes, if >1,000 residents affected	

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Oklahoma	NONE									
Oregon	NONE									
Pennsylvania	S.B. 712 (2005)	Yes	Yes, last 4 digits	Yes	>\$100,000 or >175,000 residents	Yes	No	Excludes info. in public government records	Yes, if >1,000 residents affected	
Rhode Island	H.B. 6191 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	No	Excludes info. in public government records	No	
South Carolina	NONE									
South Dakota	NONE									
Tennessee	H.B. 2170 / S.B. 2220 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	No	Excludes info. in public government records	No	
Texas	* S.B. 122 (2005)	NO	No	Yes	>\$250,000 or >500,000 residents	No	No	Excludes info. in public government records	Yes, if >10,000 residents affected	Up to \$50,000 fine. Affirmative duty to destroy unnecessary sensitive personal data and safeguard all personal data. Includes biometric data.
Utah	S.B. 69 (2006)	Yes	No	Yes	Yes, by newspaper (no minimum)	Yes, and state	No	Excludes info. in public government records and in "widely distributed" public media	No	Affirmative duty to destroy unnecessary sensitive personal data and safeguard all personal data. Up to \$100,000 fine.

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Vermont	NONE									
Virginia	Pending (2006)									
Washington	S.B. 6043 (2005)	Yes	No	Yes	>\$250,000 or >500,000 residents	No	Yes	Excludes info. in public government records	No	
West Virginia	Pending (2006)									
Wisconsin	* S.B. 164 (2006)	Yes	Yes	Yes	NO	Yes	Yes	Excludes info. in public government records and in "widely distributed" public media	Yes, if >1,000 residents affected	Includes DNA profile & biometric data. Notice within 45 days.
Wyoming	NONE									