

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 208
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vaughn” and substitute “Vaughn, Braveboy, Burns, Feldman, Hecht, Jameson, Manno, Mathias, McHale, Rudolph, Shewell, and Walkup”.

AMENDMENT NO. 2

On page 1, in line 11, strike “conduct a certain investigation and”; in line 13, after “given,” insert “specifying the contents of the notification;”; and in line 21, after “circumstances,” insert “requiring a business to provide notice of a breach of the security of a system to the Office of the Attorney General prior to giving a certain notification;”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 26 and 27 and substitute:

“(C) “ENCRYPTED” MEANS THE TRANSFORMATION OF DATA THROUGH THE USE OF AN ALGORITHMIC PROCESS INTO A FORM IN WHICH THERE IS A LOW PROBABILITY OF ASSIGNING MEANING WITHOUT USE OF A CONFIDENTIAL PROCESS OR KEY.”;

and in line 28, strike “(C)” and substitute “**(D)**”.

On page 3, in line 8, strike “OR”; strike beginning with “A” in line 9 down through “TITLE” in line 10 and substitute “**AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER; OR**

(V) A BILLING ACCOUNT NUMBER;

(Over)

and in line 20, strike “(D)” and substitute “(E)”.

AMENDMENT NO. 4

On page 5, strike beginning with “AND” in line 8 down through “THEFT” in line 9; strike beginning with the colon in line 13 down through “THE” in line 14 and substitute “THE”; strike beginning with the semicolon in line 15 down through “THEFT” in line 17; strike beginning with the comma in line 20 down through “BREACH” in line 28 and substitute “SHALL NOTIFY THE INDIVIDUAL OF A BREACH OF THE SECURITY OF A SYSTEM IF, AS A RESULT OF THE BREACH, THE INDIVIDUAL’S PERSONAL INFORMATION:

(I) HAS BEEN ACQUIRED BY AN UNAUTHORIZED PERSON;

OR

(II) IS REASONABLY BELIEVED TO HAVE BEEN ACQUIRED BY AN UNAUTHORIZED PERSON”;

in line 29, strike “(3)” and substitute “(2)”; and in line 30, strike “(2)” and substitute “(1)”.

On page 6, strike beginning with “CONDUCTS” in line 2 down through “SUBSECTION” in line 3 and substitute “DISCOVERS OR IS NOTIFIED OF THE BREACH OF THE SECURITY OF A SYSTEM”; and strike beginning with “IF” in line 7 down through “STATE” in line 10.

AMENDMENT NO. 5

On page 7, in line 9, strike “\$25,000” and substitute “\$125,000”; in line 10, strike “50,000” and substitute “250,000”; after line 22, insert:

“(G) THE NOTIFICATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL INCLUDE:

(1) TO THE EXTENT POSSIBLE, A DESCRIPTION OF THE CATEGORIES OF INFORMATION THAT WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY AN UNAUTHORIZED PERSON, INCLUDING WHICH OF THE ELEMENTS OF PERSONAL INFORMATION WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED;

(2) CONTACT INFORMATION FOR THE BUSINESS MAKING THE NOTIFICATION, INCLUDING THE BUSINESS’ ADDRESS, TELEPHONE NUMBER, AND TOLL-FREE TELEPHONE NUMBER IF ONE IS MAINTAINED;

(3) THE TOLL-FREE TELEPHONE NUMBERS AND ADDRESSES FOR THE MAJOR CONSUMER REPORTING AGENCIES; AND

(4) (I) THE TOLL-FREE TELEPHONE NUMBERS, ADDRESSES, AND WEBSITE ADDRESSES FOR:

1. THE FEDERAL TRADE COMMISSION; AND

2. THE OFFICE OF THE ATTORNEY GENERAL; AND

(II) A STATEMENT THAT AN INDIVIDUAL CAN OBTAIN INFORMATION FROM THESE SOURCES ABOUT STEPS THE INDIVIDUAL CAN TAKE TO AVOID IDENTITY THEFT.”;

in line 23, strike “(G)” and substitute “(H)”; in the same line, strike “A” and substitute **“PRIOR TO GIVING THE NOTIFICATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION AND SUBJECT TO SUBSECTION (D) OF THIS SECTION, A”;**

(Over)

strike beginning with “**WITHIN**” in line 24 down through “**BREACH**” in line 25; and in line 26, strike “**(H)**” and substitute “**(I)**”.

On page 8, in line 1, strike “**(I)**” and substitute “**(J)**”.