

HOUSE BILL 208

I3, P1
SB 134/06 – FIN

71r0537

By: **Delegates Howard, Ali, Aumann, Benson, Cane, Harrison, Haynes, Healey, Holmes, Kaiser, Kirk, Kullen, Lee, Pendergrass, Rice, Ross, Sossi, F. Turner, ~~and Vaughn~~ Vaughn, Braveboy, Burns, Feldman, Hecht, Jameson, Manno, Mathias, McHale, Rudolph, Shewell, and Walkup**

Introduced and read first time: January 26, 2007

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2007

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection – Personal Information Protection Act**

3 FOR the purpose of requiring a certain business, when destroying a customer's records
4 that contain certain personal information of the customer, to take certain steps
5 to protect against unauthorized access to or use of the personal information
6 under certain circumstances; requiring a certain business that owns or licenses
7 certain personal information of an individual residing in the State to implement
8 and maintain certain security procedures and practices under certain
9 circumstances; requiring certain businesses that own, license, or maintain
10 computerized data that includes certain personal information of an individual
11 residing in the State to ~~conduct a certain investigation and~~ notify certain
12 persons of a breach of the security of a system under certain circumstances;
13 specifying the time at which notification must be given; specifying the contents
14 of the notification; authorizing notification to be given in a certain manner;
15 providing that a waiver of certain provisions of this Act is contrary to public
16 policy and is void and unenforceable; providing that compliance with certain
17 provisions of this Act does not relieve a certain business from a duty to comply
18 with certain other requirements of federal law; providing that the provisions of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 this Act are exclusive and shall preempt any provision of local law; requiring a
 2 business to report to certain consumer reporting agencies on the breach of the
 3 security of a system under certain circumstances; requiring a business to
 4 provide notice of a breach of the security of a system to the Office of the
 5 Attorney General prior to giving a certain notification; providing that certain
 6 businesses and affiliates shall be deemed to be in compliance with the
 7 requirements of this Act under certain circumstances; providing that a violation
 8 of this Act is an unfair or deceptive trade practice within the meaning of the
 9 Maryland Consumer Protection Act and is subject to certain enforcement and
 10 penalty provisions; defining certain terms; providing for a delayed effective
 11 date; and generally relating to the protection of personal information contained
 12 in the records of businesses, owned or licensed by businesses, or included in
 13 computerized data owned, licensed, or maintained by businesses.

14 BY adding to

15 Article – Commercial Law

16 Section 14–3501 through 14–3508 to be under the new subtitle “Subtitle 35.
 17 Maryland Personal Information Protection Act”

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2006 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Commercial Law**

23 **SUBTITLE 35. MARYLAND PERSONAL INFORMATION PROTECTION ACT.**

24 **14-3501.**

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 26 INDICATED.

27 (B) (1) “BUSINESS” MEANS A SOLE PROPRIETORSHIP, PARTNERSHIP,
 28 CORPORATION, ASSOCIATION, OR ANY OTHER BUSINESS ENTITY, WHETHER OR
 29 NOT ORGANIZED TO OPERATE AT A PROFIT.

30 (2) “BUSINESS” INCLUDES A FINANCIAL INSTITUTION
 31 ORGANIZED, CHARTERED, LICENSED, OR OTHERWISE AUTHORIZED UNDER THE
 32 LAWS OF THIS STATE, ANY OTHER STATE, THE UNITED STATES, OR ANY OTHER
 33 COUNTRY, AND THE PARENT OR SUBSIDIARY OF A FINANCIAL INSTITUTION.

1 ~~(3) “BUSINESS” DOES NOT INCLUDE AN ENTITY THAT HAS AN~~
2 ~~ANNUAL GROSS INCOME OF LESS THAN \$1,000,000.~~

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

7 ~~(D)~~ (1) “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S
8 FIRST NAME OR FIRST INITIAL AND LAST NAME IN COMBINATION WITH ANY ONE
9 OR MORE OF THE FOLLOWING DATA ELEMENTS, WHEN THE NAME OR THE DATA
10 ELEMENTS ARE NOT ENCRYPTED, REDACTED, OR OTHERWISE PROTECTED BY
11 ANOTHER METHOD THAT RENDERS THE INFORMATION UNREADABLE OR
12 UNUSABLE:

13 (I) A SOCIAL SECURITY NUMBER;

14 (II) A DRIVER’S LICENSE NUMBER;

15 (III) A FINANCIAL ACCOUNT NUMBER, INCLUDING A CREDIT
16 CARD NUMBER OR DEBIT CARD NUMBER, THAT IN COMBINATION WITH ANY
17 REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD, WOULD PERMIT
18 ACCESS TO AN INDIVIDUAL’S FINANCIAL ACCOUNT; ~~OR~~

19 ~~(IV) A CONSUMER REPORT, AS DEFINED IN § 14-1201 OF~~
20 ~~THIS TITLE~~ AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER; OR

21 (V) A BILLING ACCOUNT NUMBER.

22 (2) “PERSONAL INFORMATION” DOES NOT INCLUDE:

23 (I) PUBLICLY AVAILABLE INFORMATION THAT IS
24 LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE,
25 OR LOCAL GOVERNMENT RECORDS;

26 (II) INFORMATION THAT AN INDIVIDUAL HAS CONSENTED
27 TO HAVE PUBLICLY DISSEMINATED OR LISTED; OR

1 (III) INFORMATION THAT IS DISSEMINATED OR LISTED IN
2 ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND
3 ACCOUNTABILITY ACT.

4 ~~(D)~~ (E) "RECORDS" MEANS INFORMATION THAT IS INSCRIBED ON A
5 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM
6 AND IS RETRIEVABLE IN PERCEIVABLE FORM.

7 **14-3502.**

8 (A) IN THIS SECTION, "CUSTOMER" MEANS AN INDIVIDUAL RESIDING IN
9 THE STATE WHO PROVIDES PERSONAL INFORMATION TO A BUSINESS FOR THE
10 PURPOSE OF PURCHASING OR LEASING A PRODUCT OR OBTAINING A SERVICE
11 FROM THE BUSINESS.

12 (B) WHEN A BUSINESS IS DESTROYING A CUSTOMER'S RECORDS THAT
13 CONTAIN PERSONAL INFORMATION OF THE CUSTOMER, THE BUSINESS SHALL
14 TAKE REASONABLE STEPS TO PROTECT AGAINST UNAUTHORIZED ACCESS TO OR
15 USE OF THE PERSONAL INFORMATION, TAKING INTO ACCOUNT:

16 (1) THE SENSITIVITY OF THE RECORDS;

17 (2) THE NATURE AND SIZE OF THE BUSINESS AND ITS
18 OPERATIONS;

19 (3) THE COSTS AND BENEFITS OF DIFFERENT DESTRUCTION
20 METHODS; AND

21 (4) AVAILABLE TECHNOLOGY.

22 **14-3503.**

23 (A) TO PROTECT PERSONAL INFORMATION FROM UNAUTHORIZED
24 ACCESS, USE, MODIFICATION, OR DISCLOSURE, A BUSINESS THAT OWNS OR
25 LICENSES PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE
26 SHALL IMPLEMENT AND MAINTAIN REASONABLE SECURITY PROCEDURES AND
27 PRACTICES THAT ARE APPROPRIATE TO THE NATURE OF THE PERSONAL
28 INFORMATION OWNED OR LICENSED AND THE NATURE AND SIZE OF THE
29 BUSINESS AND ITS OPERATIONS.

1 **(B) (1) A BUSINESS THAT USES A NONAFFILIATED THIRD PARTY AS A**
2 **SERVICE PROVIDER TO PERFORM SERVICES FOR THE BUSINESS AND DISCLOSES**
3 **PERSONAL INFORMATION ABOUT AN INDIVIDUAL RESIDING IN THE STATE**
4 **UNDER A WRITTEN CONTRACT WITH THE THIRD PARTY SHALL REQUIRE BY**
5 **CONTRACT THAT THE THIRD PARTY IMPLEMENT AND MAINTAIN REASONABLE**
6 **SECURITY PROCEDURES AND PRACTICES THAT:**

7 **(I) ARE APPROPRIATE TO THE NATURE OF THE PERSONAL**
8 **INFORMATION DISCLOSED TO THE NONAFFILIATED THIRD PARTY; AND**

9 **(II) ARE REASONABLY DESIGNED TO HELP PROTECT THE**
10 **PERSONAL INFORMATION FROM UNAUTHORIZED ACCESS, USE, MODIFICATION,**
11 **DISCLOSURE, OR DESTRUCTION.**

12 **(2) THIS SUBSECTION SHALL APPLY TO A WRITTEN CONTRACT**
13 **THAT IS ENTERED INTO ON OR AFTER JANUARY 1, 2009.**

14 **14-3504.**

15 **(A) IN THIS SECTION:**

16 **(1) “BREACH OF THE SECURITY OF A SYSTEM” MEANS THE**
17 **UNAUTHORIZED ACQUISITION OF COMPUTERIZED DATA THAT COMPROMISES**
18 **THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF THE PERSONAL**
19 **INFORMATION MAINTAINED BY A BUSINESS ~~AND WILL LIKELY RESULT IN A~~**
20 **~~MATERIAL RISK OF IDENTITY THEFT;~~ AND**

21 **(2) “BREACH OF THE SECURITY OF A SYSTEM” DOES NOT**
22 **INCLUDE THE GOOD FAITH ACQUISITION OF PERSONAL INFORMATION BY AN**
23 **EMPLOYEE OR AGENT OF A BUSINESS FOR THE PURPOSES OF THE BUSINESS,**
24 **PROVIDED THAT:**

25 **~~(i) THE~~ THE PERSONAL INFORMATION IS NOT USED OR**
26 **SUBJECT TO FURTHER UNAUTHORIZED DISCLOSURE;~~AND~~**

27 **~~(ii) IT IS NOT LIKELY THAT THE ACQUISITION WILL RESULT~~**
28 **~~IN A MATERIAL RISK OF IDENTITY THEFT.~~**

29 **(B) (1) A BUSINESS THAT OWNS OR LICENSES COMPUTERIZED DATA**
30 **THAT INCLUDES PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE**

1 ~~STATE, WHEN IT DISCOVERS OR IS NOTIFIED OF A BREACH OF THE SECURITY OF~~
2 ~~A SYSTEM, SHALL CONDUCT IN GOOD FAITH A REASONABLE AND PROMPT~~
3 ~~INVESTIGATION TO DETERMINE THE LIKELIHOOD THAT THE BREACH WILL~~
4 ~~RESULT IN A MATERIAL RISK OF IDENTITY THEFT.~~

5 ~~(2) IF, AFTER THE INVESTIGATION IS CONCLUDED, THE BUSINESS~~
6 ~~REASONABLY BELIEVES THAT THE BREACH OF THE SECURITY OF A SYSTEM HAS~~
7 ~~RESULTED OR WILL RESULT IN A MATERIAL RISK OF IDENTITY THEFT OF~~
8 ~~PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE, THE~~
9 ~~BUSINESS SHALL NOTIFY THE INDIVIDUAL OF THE BREACH~~ SHALL NOTIFY THE
10 INDIVIDUAL OF A BREACH OF THE SECURITY OF A SYSTEM IF, AS A RESULT OF
11 THE BREACH, THE INDIVIDUAL'S PERSONAL INFORMATION:

12 (I) HAS BEEN ACQUIRED BY AN UNAUTHORIZED PERSON;
13 OR

14 (II) IS REASONABLY BELIEVED TO HAVE BEEN ACQUIRED BY
15 AN UNAUTHORIZED PERSON.

16 ~~(3) (2)~~ (2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS
17 SECTION, THE NOTIFICATION REQUIRED UNDER PARAGRAPH ~~(2)~~ (1) OF THIS
18 SUBSECTION SHALL BE GIVEN AS SOON AS REASONABLY PRACTICABLE AFTER
19 THE BUSINESS ~~CONDUCTS THE INVESTIGATION REQUIRED UNDER PARAGRAPH~~
20 ~~(1) OF THIS SUBSECTION~~ DISCOVERS OR IS NOTIFIED OF THE BREACH OF THE
21 SECURITY OF A SYSTEM.

22 (C) (1) A BUSINESS THAT MAINTAINS COMPUTERIZED DATA THAT
23 INCLUDES PERSONAL INFORMATION THAT THE BUSINESS DOES NOT OWN OR
24 LICENSE SHALL NOTIFY THE OWNER OR LICENSEE OF THE PERSONAL
25 INFORMATION OF A BREACH OF THE SECURITY OF A SYSTEM ~~IF IT IS LIKELY~~
26 ~~THAT THE BREACH HAS RESULTED OR WILL RESULT IN A MATERIAL RISK OF~~
27 ~~IDENTITY THEFT OF PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN~~
28 ~~THE STATE.~~

29 (2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
30 THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
31 SHALL BE GIVEN AS SOON AS REASONABLY PRACTICABLE AFTER THE BUSINESS
32 DISCOVERS OR IS NOTIFIED OF THE BREACH OF THE SECURITY OF A SYSTEM.

1 (D) (1) THE NOTIFICATION REQUIRED UNDER SUBSECTIONS (B) AND
2 (C) OF THIS SECTION MAY BE DELAYED:

3 (I) IF A LAW ENFORCEMENT AGENCY DETERMINES THAT
4 THE NOTIFICATION WILL IMPEDE A CRIMINAL INVESTIGATION OR JEOPARDIZE
5 HOMELAND OR NATIONAL SECURITY; OR

6 (II) TO DETERMINE THE SCOPE OF THE BREACH OF THE
7 SECURITY OF A SYSTEM, IDENTIFY THE INDIVIDUALS AFFECTED, OR RESTORE
8 THE INTEGRITY OF THE SYSTEM.

9 (2) IF NOTIFICATION IS DELAYED UNDER PARAGRAPH (1)(I) OF
10 THIS SUBSECTION, NOTIFICATION SHALL BE GIVEN AS SOON AS REASONABLY
11 PRACTICABLE AFTER THE LAW ENFORCEMENT AGENCY DETERMINES THAT IT
12 WILL NOT IMPEDE A CRIMINAL INVESTIGATION AND WILL NOT JEOPARDIZE
13 HOMELAND OR NATIONAL SECURITY.

14 (E) THE NOTIFICATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF
15 THIS SECTION MAY BE GIVEN:

16 (1) BY WRITTEN NOTICE SENT TO THE MOST RECENT ADDRESS OF
17 THE INDIVIDUAL IN THE RECORDS OF THE BUSINESS;

18 (2) BY ELECTRONIC NOTICE, IF THE ELECTRONIC NOTICE IS
19 CONSISTENT WITH THE REQUIREMENTS FOR ELECTRONIC RECORDS AND
20 SIGNATURES UNDER 15 U.S.C. § 7001;

21 (3) BY TELEPHONIC NOTICE, TO THE MOST RECENT TELEPHONE
22 NUMBER OF THE INDIVIDUAL IN THE RECORDS OF THE BUSINESS; OR

23 (4) BY SUBSTITUTE NOTICE AS PROVIDED IN SUBSECTION (F) OF
24 THIS SECTION, IF:

25 (I) THE BUSINESS DEMONSTRATES THAT THE COST OF
26 PROVIDING NOTICE WOULD EXCEED ~~\$25,000~~ \$125,000 OR THAT THE AFFECTED
27 CLASS OF INDIVIDUALS TO BE NOTIFIED EXCEEDS ~~50,000~~ 250,000; OR

28 (II) THE BUSINESS DOES NOT HAVE SUFFICIENT CONTACT
29 INFORMATION TO GIVE NOTICE IN ACCORDANCE WITH ITEM (1), (2), OR (3) OF
30 THIS SUBSECTION.

1 (F) SUBSTITUTE NOTICE UNDER SUBSECTION (E)(4) OF THIS SECTION
2 SHALL CONSIST OF:

3 (1) ELECTRONICALLY MAILING THE NOTICE TO AN INDIVIDUAL
4 ENTITLED TO NOTIFICATION UNDER SUBSECTION (B) OF THIS SECTION, IF THE
5 BUSINESS HAS AN ELECTRONIC MAIL ADDRESS FOR THE INDIVIDUAL TO BE
6 NOTIFIED;

7 (2) CONSPICUOUS POSTING OF THE NOTICE ON THE WEBSITE OF
8 THE BUSINESS, IF THE BUSINESS MAINTAINS A WEBSITE; AND

9 (3) NOTIFICATION TO STATEWIDE MEDIA.

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

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

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

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

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

24 1. THE FEDERAL TRADE COMMISSION; AND

25 2. THE OFFICE OF THE ATTORNEY GENERAL; AND

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

1 ~~(G)~~ (H) **A PRIOR TO GIVING THE NOTIFICATION REQUIRED UNDER**
2 **SUBSECTIONS (B) AND (C) OF THIS SECTION AND SUBJECT TO SUBSECTION (D)**
3 **OF THIS SECTION, A BUSINESS SHALL PROVIDE NOTICE OF A BREACH OF THE**
4 **SECURITY OF A SYSTEM TO THE OFFICE OF THE ATTORNEY GENERAL WITHIN 5**
5 **BUSINESS DAYS AFTER THE BUSINESS BECOMES AWARE OF THE BREACH.**

6 ~~(H)~~ (I) **A WAIVER OF ANY PROVISION OF THIS SECTION IS CONTRARY TO**
7 **PUBLIC POLICY AND IS VOID AND UNENFORCEABLE.**

8 ~~(I)~~ (J) **COMPLIANCE WITH THIS SECTION DOES NOT RELIEVE A BUSINESS**
9 **FROM A DUTY TO COMPLY WITH ANY OTHER REQUIREMENTS OF FEDERAL LAW**
10 **RELATING TO THE PROTECTION AND PRIVACY OF PERSONAL INFORMATION.**

11 **14-3505.**

12 **THE PROVISIONS OF THIS SUBTITLE ARE EXCLUSIVE AND SHALL**
13 **PREEMPT ANY PROVISION OF LOCAL LAW.**

14 **14-3506.**

15 **(A) IF A BUSINESS IS REQUIRED UNDER § 14-3504 OF THIS SUBTITLE TO**
16 **GIVE NOTICE OF A BREACH OF THE SECURITY OF A SYSTEM TO 1,000 OR MORE**
17 **INDIVIDUALS, THE BUSINESS ALSO SHALL NOTIFY, WITHOUT UNREASONABLE**
18 **DELAY, EACH CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS**
19 **FILES ON CONSUMERS ON A NATIONWIDE BASIS, AS DEFINED BY 15 U.S.C. §**
20 **1681A(P), OF THE TIMING, DISTRIBUTION, AND CONTENT OF THE NOTICES.**

21 **(B) THIS SECTION DOES NOT REQUIRE THE INCLUSION OF THE NAMES**
22 **OR OTHER PERSONAL IDENTIFYING INFORMATION OF RECIPIENTS OF NOTICES**
23 **OF THE BREACH OF THE SECURITY OF A SYSTEM.**

24 **14-3507.**

25 **(A) IN THIS SECTION, “AFFILIATE” MEANS A COMPANY THAT CONTROLS,**
26 **IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A BUSINESS**
27 **DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION.**

28 **(B) A BUSINESS THAT COMPLIES WITH THE REQUIREMENTS FOR**
29 **NOTIFICATION PROCEDURES, THE PROTECTION OR SECURITY OF PERSONAL**

1 INFORMATION, OR THE DESTRUCTION OF PERSONAL INFORMATION UNDER THE
2 RULES, REGULATIONS, PROCEDURES, OR GUIDELINES ESTABLISHED BY THE
3 PRIMARY OR FUNCTIONAL FEDERAL OR STATE REGULATOR OF THE BUSINESS
4 SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SUBTITLE.

5 (C) (1) A BUSINESS THAT IS SUBJECT TO AND IN COMPLIANCE WITH §
6 501(B) OF THE FEDERAL GRAMM-LEACH-BLILEY ACT, 15 U.S.C. § 6801, § 216
7 OF THE FEDERAL FAIR AND ACCURATE TRANSACTIONS ACT, 15 U.S.C. §
8 1681W, THE FEDERAL INTERAGENCY GUIDELINES ESTABLISHING
9 INFORMATION SECURITY STANDARDS, AND THE FEDERAL INTERAGENCY
10 GUIDANCE ON RESPONSE PROGRAMS FOR UNAUTHORIZED ACCESS TO
11 CUSTOMER INFORMATION AND CUSTOMER NOTICE, AND ANY REVISIONS,
12 ADDITIONS, OR SUBSTITUTIONS, SHALL BE DEEMED TO BE IN COMPLIANCE
13 WITH THIS SUBTITLE.

14 (2) AN AFFILIATE THAT COMPLIES WITH § 501(B) OF THE
15 FEDERAL GRAMM-LEACH-BLILEY ACT, 15 U.S.C. § 6801, § 216 OF THE
16 FEDERAL FAIR AND ACCURATE TRANSACTIONS ACT, 15 U.S.C. § 1681W, THE
17 FEDERAL INTERAGENCY GUIDELINES ESTABLISHING INFORMATION SECURITY
18 STANDARDS, AND THE FEDERAL INTERAGENCY GUIDANCE ON RESPONSE
19 PROGRAMS FOR UNAUTHORIZED ACCESS TO CUSTOMER INFORMATION AND
20 CUSTOMER NOTICE, AND ANY REVISIONS, ADDITIONS, OR SUBSTITUTIONS,
21 SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SUBTITLE.

22 14-3508.

23 A VIOLATION OF THIS SUBTITLE:

24 (1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE
25 MEANING OF TITLE 13 OF THIS ARTICLE; AND

26 (2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY
27 PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 January 1, 2008.