

[Del. Code Ann. tit. 6, §§ 12B-101 to -104](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	No later than 60 days	YES, if >500 residents notified

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to any person who conducts business in state and owns, licenses or maintains covered info. Some types of businesses may be exempt from some or all of these requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state or federal identification card number; account, credit or debit card number, in combination with any required security or access code or password that would permit access to a financial account; passport number; username or email address in combination with password or security question and answer that would permit access to an online account; medical information; health insurance information; unique biometric data; or individual taxpayer identification number.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, so long as encryption key is not reasonably believed to also have been acquired.
<b>Breach Defined</b>	Unauthorized acquisition that compromises the security, confidentiality, or integrity of the covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing:</u> Must be made without unreasonable delay, but not later than 60 days after determination that breach occurred.</p> <p><u>Content:</u> If a resident's Social Security number was compromised, covered entity must offer one year of credit monitoring services to the resident free of cost and must also provide all information necessary to enroll in such services and information on how resident can place a credit freeze.</p> <p><u>Method:</u> By written notice, telephonic notice, or electronic notice if it is the primary method of communication with resident or is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied. Other notice methods may be available if only email account login credentials are compromised in breach.</p>
<b>Delayed Notice</b>	Notification may be delayed if (1) a shorter time is required under federal law, (2) law enforcement determines that notice will impede a criminal investigation and has made a request for delay to covered entity, or (3) if covered entity can not, through reasonable diligence, identify within 60 days that covered info of certain residents was affected in the breach (must notify those residents as soon as practicable after determining their info was affected, unless substitute notice was made).
<b>Harm Threshold</b>	Notification not required if, after an appropriate investigation, the covered entity reasonably determines that breach is unlikely to result in harm to affected individuals.
<b>Government Notice</b>	If over 500 residents are to be notified, must also notify Attorney General no later than the time resident notice is provided.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following determination of a breach. Must cooperate by sharing relevant information about breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on May 30, 2018

**This summary is for informational purposes only. It provides general information and not legal advice or opinions regarding specific facts. Additional requirements or conditions may apply to any or all provisions referenced herein. For more information about the state data breach notification laws or other data security matters, please seek the advice of counsel.**

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