

[Alabama Data Breach Notification Act of 2018 \(SB 318\)](#) (codified version not yet available)

Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	No later than 45 days	YES, if >1,000 residents notified

More Details

Scope of this Summary	Notification requirements applicable to individuals or entities that acquire, use, or maintain covered info. Some types of businesses may be exempt from some or all of these requirements.
Covered Info	First name or first initial and last name, plus: Social Security or tax ID number; driver's license, state-issued ID card, passport, military ID, or other unique government-issued ID number; account, credit or debit card number in combination with any required security/access code or password that would permit access to a financial account or conduct a transaction; medical or health insurance information; or username or email address plus a password or security question and answer permitting access to an online account affiliated with the covered entity that is reasonably likely to contain or is used to obtain covered info.
Form of Covered Info	Electronic Only
Encryption Safe Harbor	Statute does not apply to covered info that is truncated, encrypted, secured, or modified by another method or technology that deidentifies resident, including encryption of the data, document, or device containing covered info, so long as the encryption key was not reasonably believed to have been acquired.
Breach Defined	Unauthorized acquisition of computerized data that includes covered info, excluding certain good faith acquisitions by employees or agents.
Consumer Notice	<p><u>Timing</u>: If notification required following good faith and prompt investigation, must be made in the most expedient time possible, but not later than 45 calendar days following notification of breach or determination that breach occurred and is reasonably likely to cause substantial harm to residents.</p> <p><u>Content</u>: Notice must contain: description of covered info subject to breach; date, estimated date, or estimated date range of breach; general description of actions taken to restore security and confidentiality of covered info; general description of steps the affected resident can take to protect against identity theft; and contact info for covered entity that affected resident can use to inquire about breach.</p> <p><u>Method</u>: By written notice (to address in covered entity's records) or electronic notice (to email address in covered entity's records). Substitute notice is available if certain criteria are satisfied.</p>
Delayed Notice	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation or national security.
Harm Threshold	Notification not required if, after good faith and prompt investigation, the covered entity determines that the breach is not reasonably likely to cause substantial harm to residents. Determination must be documented in writing and maintained for at least five years.
Government Notice	If over 1,000 residents notified, must notify AG as expeditiously as possible, but no later than 45 days after notification of breach or close of investigation. Must include synopsis of events surrounding incident; approximate number of affected residents; any services being offered to residents free of charge and how to use them; contact information that AG can use to obtain additional information.
Consumer Agency Notice	If over 1,000 residents notified, must notify major CRAs without unreasonable delay of timing, distribution, and content of notices.
Third-Party Notice	If you maintain, store, process, or otherwise have access to covered info on behalf of another entity, you must notify them as expeditiously as possible and without unreasonable delay, but not later than 10 days following discovery of a breach or reason to believe breach occurred, and must cooperate by providing information in your possession so covered entity can comply with its notice requirements.
Potential Penalties	Violations may result in civil penalties.

Last revised on June 1, 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.