

[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

<b>Scope of this Summary</b>	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.
<b>Covered Info</b>	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.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	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.
<b>Breach Defined</b>	Unauthorized acquisition of computerized data that includes covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<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>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation or national security.
<b>Harm Threshold</b>	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.
<b>Government Notice</b>	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.
<b>Consumer Agency Notice</b>	If over 1,000 residents notified, must notify major CRAs without unreasonable delay of timing, distribution, and content of notices.
<b>Third-Party Notice</b>	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.
<b>Potential Penalties</b>	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.**

[Alaska Stat. § 45.48.010–.090](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expeditious time possible and without unreasonable delay	NO*

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons doing business or with more than 10 employees, that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; financial account, credit or debit card number, in combination with associated security or access code, PIN or password that would permit access to a resident's financial account information (if any are required); or passwords, PINS or other access codes for financial accounts.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as the encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized acquisition, or reasonable belief of 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>	<u>Timing</u> : Must be made in the most expeditious time possible and without unreasonable delay consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system. <u>Method</u> : By written 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.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will interfere with a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after appropriate investigation and after written notification to the Alaska Attorney General, covered entity determines that there is not a reasonable likelihood that harm to consumer has resulted or will result from the breach.
<b>Government Notice</b>	* Written notification to Alaska Attorney General required only if you do not send notice because you have determined harm threshold is not reached.
<b>Consumer Agency Notice</b>	If more than 1,000 residents notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice. Entities subject to Gramm-Leach-Bliley are exempt from this requirement.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach. Must cooperate by sharing relevant information about breach, except for confidential business info or trade secrets.
<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.

[Ariz. Rev. Stat. Ann. § 18-545](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient manner possible without unreasonable delay	NO

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or entities that conduct business in the state and own, license, or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit or debit card number, in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted, or secured by any other means rendering the element unreadable or unusable.
<b>Breach Defined</b>	Unauthorized acquisition and access that materially compromises the security or confidentiality of covered info maintained as part of a database of personal information regarding multiple individuals, and that causes or is reasonably likely to cause substantial economic loss to a resident, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made in the most expedient manner possible and without unreasonable delay consistent with any measures to determine the scope of the breach, identify residents affected, or restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice, telephone 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.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement advises that notice will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after a reasonable investigation, covered entity or a law enforcement agency determines a breach of the security of the system did not or is not reasonably likely to occur.
<b>Third-Party Notice</b>	If you maintain unencrypted computerized data that includes covered info on behalf of another entity, you must notify them without unreasonable delay following discovery 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.

[Ark. Code Ann. §§ 4-110-101 to 108](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient manner possible without unreasonable delay	NO*

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons and businesses that acquire, own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; financial account, credit or debit card number, in combination with any required security or access code or password that would permit access to a resident's financial account; or medical information.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted.
<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 in the most expedient time and manner possible and without unreasonable delay consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice or electronic notice if it is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after a reasonable investigation, covered entity determines that there is no reasonable likelihood of harm to customers.
<b>Government Notice</b>	* Ark. Admin. Code § 214.00.2-5010: Licensees subject to state Fair Mortgage Lending Act must notify state Securities Commissioner of a breach. If a loan applicant's or borrower's financial information or Social Security number was breached or disclosed without authorization, must provide notice to Securities Commissioner within two business days of discovery.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil or criminal 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.

[Cal. Civ. Code § 1798.82](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible and without unreasonable delay	YES, if >500 residents notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or businesses that conduct business in the state and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; financial account, credit or debit card number, in combination with any required security or access code or password permitting access to a resident's financial account; medical or health insurance info; or info collected by automated license plate recognition systems  Covered info also includes a user name or email address, in combination with a password or security question and answer that would permit access to an online account.
<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 the encryption key was not or is not reasonably believed to 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><b>Timing:</b> Must be made in the most expedient time possible and without unreasonable delay consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system.</p> <p><b>Content:</b> Notice must be in "plain language," use at least 10-point font, and organized by clearly and conspicuously displayed title and headings. Notice must include: name and contact information of covered entity; types of covered info that were the subject of the breach; the date, estimated date, or date range of the breach; date of the notice; whether notice was delayed due to law enforcement; general description of the breach; and toll-free numbers and addresses of the major CRAs if Social Security numbers, drivers' license or state identification card numbers were exposed.</p> <p>If Social Security, driver's license or state identification card numbers are affected, and if the entity providing notice was the source of the breach, must offer appropriate identity theft prevention and mitigation services, if any, at no cost to resident for not less than 12 months.</p> <p><b>Method:</b> By written notice, or electronic notice if it is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied. Alternative methods apply to breaches solely involving user names or email addresses.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation.
<b>Government Notice</b>	If more than 500 state residents are notified as result of a single breach, must also electronically submit a sample copy of the notification to the California Attorney General.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a 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.

Copyright 2018 Davis Wright Tremain LLP

[www.dwt.com](http://www.dwt.com)

[Cal. Health & Safety Code § 1280.15](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	15 business days	15 business days

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to a clinic, health facility, home health agency, or hospice licensed pursuant to Cal. Health & Safety Code sections 1204, 1250, 1725, or 1745.
<b>Covered Info</b>	Medical Information, defined to mean individually identifiable information regarding a patient's medical history, mental or physical condition, or treatment. Information is identifiable if it includes or contains any element of identifying information, such as name, address, e-mail address, telephone number, Social Security number, or other information that alone or in combination with other public information reveals the individual's identity.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Breach Defined</b>	Unlawful or unauthorized access to, or use or disclosure of, a patient's medical information, excluding certain inadvertently misdirected paper records, e-mail, or facsimile within the same facility or health care system within the course of coordinating care or delivering services.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made to the affected patient or patient's representative no later than 15 business days after the unlawful or unauthorized access, use, or disclosure is detected. <u>Method</u> : By written notice to the last known address. Notice can be provided by an alternative means or at an alternative location as specified by the patient or patient's personal representative in writing pursuant to 45 CFR § 164.522(b). Notice by e-mail is permitted if the patient previously agreed in writing to receive electronic notice by e-mail.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement provides a written or oral statement that notice will impede a related investigation, or a written declaration that notice will undermine a bona fide, ongoing, significant criminal investigation of serious wrongdoing related to the unlawful or unauthorized access, use, or disclosure. Additional timing and documentation requirements may apply.
<b>Government Notice</b>	Notification must be made to the California Department of Public Health no later than 15 business days after detecting the unlawful or unauthorized access, use, or disclosure of covered info.
<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.

[Colo. Rev. Stat. § 6-1-716](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible and without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or commercial entities that conduct business in state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number, in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted, or secured by any other means rendering the name or element unreadable or unusable.
<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>	<u>Timing</u> : Must be made in the most expedient time possible and without unreasonable delay consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. <u>Method</u> : By written notice, telephone notice, or electronic notice (if it is the primary method of communication with the resident or is consistent with E-SIGN). Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation, and law enforcement notifies the covered entity not to send notice.
<b>Harm Threshold</b>	Notification not required if, after prompt investigation, the covered entity determines that misuse of resident's covered info has not occurred and is not reasonably likely to occur.
<b>Consumer Agency Notice</b>	If more than 1,000 residents notified, must notify all nationwide CRAs without unreasonable delay of anticipated date of notice and approximate number of residents to be notified. Entities subject to Gramm-Leach-Bliley are exempt from this requirement.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach, if misuse of the covered info about a resident has occurred or is reasonably likely to occur. Must cooperate by sharing relevant information about breach, but not disclosure of confidential business info or trade secrets.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.



[Conn. Gen. Stat. § 36a-701b](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	No later than 90 days	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to any persons who conduct business in the state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; financial account, credit or debit card number, in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or secured by other methods that renders them unreadable or unusable.
<b>Breach Defined</b>	Unauthorized access to or acquisition of covered info.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made without unreasonable delay but no later than 90 days after the discovery of the breach, unless a shorter time is required under federal law, subject to completion of an investigation to determine the nature and scope of the incident, to identify those affected, or to restore the reasonable integrity of the system.</p> <p><u>Content</u>: If Social Security Numbers are breached or reasonably believed to have been breached, must offer appropriate identity theft prevention and, if applicable, mitigation services at no cost to the resident for not less than 12 months, as well as information on how the resident can place a credit freeze.</p> <p><u>Method</u>: By written notice, telephone notice, or electronic notice if it is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation, and law enforcement requests notification be delayed.
<b>Harm Threshold</b>	Notification not required if, after appropriate investigation and consultation with relevant federal, state, and local law enforcement, the covered entity reasonably determines the breach will not likely result in harm to affected residents.
<b>Government Notice</b>	Covered entity must also provide notice to the Connecticut Attorney General no later than the time notice is provided to the resident.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of 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.



[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.**

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[D.C. Code §§ 28-3851 to 28-3853](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or entities that conduct business in DC and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, or phone number, or address, plus: Social Security number; driver's license or DC identification card number; or credit or debit card number.  Covered info also includes any other number or code or combination of numbers or codes, such as account number, security or access code or password that would permit access to a resident's financial or credit account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that has been rendered secure, so as to be unusable to an unauthorized third-party.
<b>Breach Defined</b>	Unauthorized acquisition of electronic data, or any equipment or device storing such data, that compromises the security, confidentiality, or integrity of the covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made in the most expedient time possible and without unreasonable delay consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system.  <u>Method</u> : By written notice or by electronic notice if customer consented to receipt of electronic notice consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation.
<b>Consumer Agency Notice</b>	If more than 1,000 residents notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice. Persons or entities subject to Gramm-Leach-Bliley are exempt from this requirement.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them in the most expedient time possible following discovery of a 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.

[Fla. Stat. § 501.171](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	No later than 30 days	YES, if >499 residents notified

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to commercial entities that acquire, maintain, store, or use covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	<p>First name or first initial and last name, plus: Social Security number; driver's license, state identification card, passport, military identification, or other government-issued number to verify identity; financial account, credit, or debit card number in combination with any required code or password that would permit access to a financial account; info regarding medical history, mental/physical condition, or medical treatment/diagnosis; or health insurance policy or subscriber identification number and any unique identifier used by health insurer.</p> <p>Covered info also includes a username or email address in combination with password or security question and answer that would permit access to online account.</p>
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, secured or modified to remove identifying elements or otherwise render it unusable.
<b>Breach Defined</b>	Unauthorized access to covered info, excluding certain good-faith access by employees or agents.
<b>Consumer Notice</b>	<p><b>Timing:</b> Must be made as expeditiously as practicable and without unreasonable delay, but no later than 30 days after determination of breach or reason to believe breach occurred, consistent with time necessary to determine scope of the breach, identify those affected, and restore the reasonable integrity of the system. May receive 15 more days if good cause for delay provided to Dept. of Legal Affairs within original 30 days.</p> <p><b>Content:</b> Notice must include the date(s) of the breach, a description of the covered info that was or is reasonably believed to have been accessed, and the covered entity's contact info.</p> <p><b>Method:</b> By written notice or e-mail. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed for a specified period upon written request by law enforcement if law enforcement determines that notice will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after investigation and consultation with relevant federal, state, or local law enforcement, covered entity reasonably determines breach has not and will not likely result in identity theft or other financial harm. Determination must be documented in writing, maintained for five years, and provided to Dept. of Legal Affairs within 30 days of determination.
<b>Government Notice</b>	If breach affects 500 or more residents, must notify Dept. of Legal Affairs as expeditiously as practicable, but no later than 30 days after determination of breach or reason to believe breach occurred. Notice must include: synopsis of events surrounding breach; number of residents affected/potentially affected; info on services offered to affected individuals free of charge; copy of the notice to residents; and contact info for covered entity. Must provide additional info upon request by Dept.
<b>Consumer Agency Notice</b>	If more than 1,000 residents notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as expeditiously as practicable, but no later than 10 days following determination of a breach or reason to believe breach occurred. Must provide all info other entity needs to comply with its notice requirements.
<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.**

[Ga. Code Ann. §§ 10-1-910 to -912](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible and without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to “data collectors” (meaning certain state or local governmental agencies), “information brokers” (meaning persons or commercial entities who engage in whole or in part in the business of collecting, evaluating, transmitting, or otherwise communicating information concerning individuals for the primary purpose of furnishing personal information to nonaffiliated third parties), and persons maintaining covered info on their behalf.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; account, credit or debit card number, if it can be used without additional identifying info, access codes or passwords; account passwords, PINs or other access codes; or any of the previous data elements when not connected with the first name or first initial and last name if information compromised is sufficient to perform or attempt identity theft.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted.
<b>Breach Defined</b>	Unauthorized acquisition that compromises the security, confidentiality, or integrity of the covered info, excluding certain good faith access by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made in the most expedient time possible and without unreasonable delay consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the system.</p> <p><u>Method</u>: By written notice, telephonic notice, or electronic notice if it is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will compromise a criminal investigation.
<b>Consumer Agency Notice</b>	If more than 10,000 residents notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of an information broker or data collector, you must notify them within 24 hours following discovery of a breach, if the covered information was, or is reasonably believed to have been, accessed without authorization.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[9 Guam Code Ann. §§ 48.10–80](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons and entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or Guam identification card number; financial account, credit card or debit card number, in combination with any required security or access code, or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security or confidentiality of the covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system. <u>Method</u> : By written notice to postal address in covered entity's records, telephone notice, or electronic notice. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines and advises that notification will impede a criminal or civil investigation, or homeland or national security.
<b>Harm Threshold</b>	Notification not required if acquisition of covered info does not cause, or covered entity does not reasonably believe has caused or will cause, identity theft or other fraud to a Guam resident.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Haw. Rev. Stat. §§ 487N-1– 487N-3](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Without unreasonable delay	YES, if >1,000 individuals notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to commercial entities that own, license or maintain covered info of state residents, or conduct business in the state and own or license covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or account, credit or debit card number, access code, or password that would permit access to an individual's financial account.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is redacted or encrypted, so long as the encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access to and acquisition of covered info where illegal use of the personal information has occurred, or is reasonably likely to occur, and creates risk of harm to the person, excluding certain good-faith access by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made without unreasonable delay consistent with any measures to determine contact info, the scope of the breach, and to restore the reasonable integrity, security, and confidentiality of the system.</p> <p><u>Content</u>: Notice must be clear and conspicuous and must describe: incident in general terms; type of covered info accessed and acquired; covered entity's acts to protect covered info from further unauthorized access; telephone number, if there is one, individual can call for further information and assistance; advice for individual to remain vigilant.</p> <p><u>Method</u>: By written notice to last known address; by telephonic notice if direct contact is made; or by e-mail if individual has consented to receive electronic communications and notice is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement informs covered entity that notice may impede a criminal investigation or jeopardize national security and requests delay. Request must be in writing or documented contemporaneously in writing by covered entity.
<b>Harm Threshold</b>	Notification not required if illegal use of covered info has not occurred, nor is reasonably likely to occur, and incident does not create a risk of harm to the person.
<b>Government Notice</b>	If more than 1,000 individuals notified, must notify, in writing, the Hawaii Office of Consumer Protection without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Consumer Agency Notice</b>	If more than 1,000 individuals notified, must notify, in writing, all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Idaho Code Ann. §§ 28-51-104 to 107](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or commercial entities that conduct business in the state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or account, credit card or debit card number in combination with any security code, access code, or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted.
<b>Breach Defined</b>	Illegal 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 in most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach, identify the resident affected, and restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice, telephonic notice, or electronic notice if it is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after reasonable and prompt investigation, the covered entity determines that misuse of a resident's covered info has not occurred or is not reasonably likely to occur.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach if misuse of covered info has occurred or is reasonably likely to occur. 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.



[815 Ill. Comp. Stat. §§ 530/1 to 530/50](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to commercial entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	<p>First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; account, credit or debit card number, or an account or credit card number in combination with any required information that would permit access to a resident's financial account; medical information; health insurance information; or unique biometric information.</p> <p>Covered info also includes username or email address plus a password or security question and answer that would permit access to an online account.</p>
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not 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 in the most expedient time possible and without unreasonable delay following discovery or notification of the breach, consistent with any measures to determine the scope of the breach and restore the reasonable integrity, security and confidentiality of the system.</p> <p><u>Content</u>: Notice must include the toll-free numbers and addresses for the CRAs; toll-free number, address and website for the FTC; and a statement that the resident can obtain information from these sources about fraud alerts and security freezes. If information permitting access to an online account is compromised, notice must include directions to change access credentials and/or other steps to protect all online accounts using the same credentials. The notice must not include information concerning the number of Illinois residents affected by the breach.</p> <p><u>Method</u>: By written notice or electronic notice if it is consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notification will impede a criminal investigation and provides a written request for the delay.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach and must cooperate in matters relating to the breach as specified in the statute.
<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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Ind. Code §§ 24-4.9-1 to 24-4.9-5](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to any persons that own or license covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number, driver's license or state identification card number; credit card number; or financial account or debit card number in combination with a security code, access code or password that would permit access to the person's account. Covered info includes a Social Security number by itself without name.
<b>Form of Covered Info</b>	Electronic or tangible medium (paper, microfilm, etc) if transferred from computerized data.
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not accessed or 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>	<u>Timing</u> : Must be made without unreasonable delay, consistent with necessary measures to restore the integrity of the system or necessary to discover the scope of the breach <u>Method</u> : By mail, telephone, fax, or email. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement or the Attorney General requests delay because disclosure will impede a criminal or civil investigation or jeopardize national security.
<b>Harm Threshold</b>	Notification not required if the breach has not resulted in and could not result in identity deception, identity theft or fraud.
<b>Government Notice</b>	If notice provided to one or more residents, must also notify the Indiana Attorney General.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all CRAs with information necessary to assist the CRA to prevent fraud, including the types covered info affected by the breach.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Iowa Code §§ 715C.1–2](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expeditious manner possible and without unreasonable delay	YES, if >500 residents notified

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or business entities that own or license covered info that is used in the course of a business, vocation, occupation or volunteer activities. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or other government-issued unique identification number; financial account, credit or debit card number, unique electronic identifier, or routing code in combination with any required expiration date, security or access code, or password that would permit access to a resident's financial account; or unique biometric data.
<b>Form of Covered Info</b>	Electronic or Paper (if printed from a computerized form)
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or otherwise altered by any method or technology in such a way that the it is unreadable, so long as the encryption key was not accessed or 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 in most expeditious manner possible and without unreasonable delay, consistent with any measures necessary to sufficiently determine contact info for affected consumers, determine the scope of the breach, and restore the reasonable integrity, security, and confidentiality of the data.</p> <p><u>Content</u>: Notice must include a description and approximate date of the breach, contact info for CRAs, and advise to the consumer to report suspected incidents of identity theft to local law enforcement or the Attorney General.</p> <p><u>Method</u>: By written notice or electronic notice (if it is the customary method of communication with the consumer or is consistent with Iowa Code ch 554D and E-SIGN). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation and the agency makes a written request that the notification be delayed.
<b>Harm Threshold</b>	Notification not required if, after appropriate investigation or consultation with relevant federal, state or local law enforcement, covered entity determines that there is no reasonable likelihood of financial harm to residents. Such determination must be documented in writing and retained for five years.
<b>Government Notice</b>	If more than 500 Iowa residents are notified, must notify Director of the Iowa Attorney General's Consumer Protection Division within 5 business days after notifying residents.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.**

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Kan. Stat. Ann. §§ 50-7a01 et seq.](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible and without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or businesses that conduct business in the state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number, alone or in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted or otherwise secured by any method in such a way that it is unreadable or unusable.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security, confidentiality, or integrity of the covered info that the covered entity reasonably believes has caused or will cause identity theft to a resident, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made in most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. <u>Method</u> : By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after reasonable and prompt investigation, misuse of covered info has not and is not reasonably likely to occur.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the notices.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them following discovery of a breach if covered info was, or is reasonably believed to have been, accessed and acquired by an unauthorized person.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Ky. Rev. Stat. Ann. § 365.732](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible and without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or business entities that conduct business in the state. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number; or account, credit card or debit card number in combination with any required security code, access code or password that would permit access to an individual's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted.
<b>Breach Defined</b>	Unauthorized acquisition that compromises the security, confidentiality, or integrity of the covered info that actually causes, or that covered entity reasonably believe has caused or will cause, identity theft or fraud against a resident, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made in most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if the covered entity reasonably believes that the breach has not and will not cause identity theft or fraud against any Kentucky resident.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs and credit bureaus without unreasonable delay of timing, distribution and content of the notices.
<b>Third-Party Notice</b>	If you conduct business in Kentucky and maintain covered info on behalf of another entity, you must notify them as soon as reasonably practicable after discovery of a breach if the covered info was, or is reasonably believed to have been, acquired by an unauthorized person.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[La. Rev. Stat. Ann. §§ 51:3071 to 51:3077](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Most expedient time possible and without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that conduct business in the state or that own or license covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to an individual's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted.
<b>Breach Defined</b>	Compromise to the security, confidentiality or integrity of computerized data that results in, or is reasonably believed to have resulted in, the unauthorized acquisition or and access to covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made in most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the system. <u>Method</u> : By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after reasonable investigation, the covered entity determines that there is no reasonable likelihood of harm to consumers.
<b>Government Notice</b>	La. Admin. Code tit. 16, pt. III, § 701: If notice to Louisiana residents is required, must also provide written notice to the Consumer Protection Section of the Attorney General's office. Notice must be received within 10 days of distribution of notice to Louisiana residents and must include the names of those affected residents.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them following discovery of a breach if the covered info was, or is reasonably believed to have been, acquired by an unauthorized person.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Me. Rev. Stat. tit. 10, §§ 1346 et seq.](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	As expeditiously as possible and without unreasonable delay	YES

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals, entities and "information brokers" (as defined) that maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name, or first initial, and last name, plus: Social Security number; driver's license or state ID card number; account or credit/debit card number if usable without additional identifying information, access codes or passwords; account passwords, PIN numbers, or other access codes; or any of the previous data elements when not in connection with first name, or first initial, and last name, if the compromised information would be sufficient to commit identity theft.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized acquisition, release, or use of computerized data that compromises the security, confidentiality, or integrity of the covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made as expeditiously as possible and without unreasonable delay, consistent with measures necessary to determine the scope of the breach and restore the reasonable integrity, security and confidentiality of the data in the system. <u>Method</u> : By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed by law enforcement if they determine that it will compromise a criminal investigation. Notice must be given within 7 business after they determine that notification will not compromise the investigation.
<b>Harm Threshold</b>	Notification to residents not required if, after a reasonable and prompt good faith investigation, the covered entity determines that there is no reasonable possibility that the covered info has been or will be misused. Harm threshold does not apply to information brokers subject to statute.
<b>Government Notice</b>	If notification to residents is required, must also notify the appropriate state regulator (either Dept. of Professional and Financial Regulation or, if not regulated by the Department, the Attorney General).
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay. The notification must include the date of the breach, estimated number of affected individuals, if known, and the date those individuals were or will be notified.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach if covered information was, or is reasonably believed to have been, acquired by an unauthorized person.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.**



[Md. Code Ann., Com. Law §§ 14-3501-14-3508](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	As soon as practicable but no longer than 45 days	YES

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to businesses that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements, and Code of Md. Regulations 10.25.18.07-08 provides additional notification requirements for health information exchanges.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number, tax identification number, passport number, or other federal government issued identification number; driver's license or state ID card number; an account number (including credit debit card number), in combination with any required security or access code or password that permits access to a financial account; health information (as defined by HIPAA); health insurance policy, certificate, or subscriber identification number, combined with a unique identifier that permits access to an individual's health information; or unique biometric information.  OR username or email address plus password or security question/answer permitting access to an email account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or otherwise protected by another method that renders the info unreadable or unusable.
<b>Breach Defined</b>	Unauthorized acquisition that compromises the security, confidentiality, or integrity of residents' covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made as soon as reasonably practicable, but not later than 45 days after concluding investigation to determine whether info has been or will be misused, consistent with measures necessary to determine scope of the breach, identify those affected, or restore the integrity of the system.  <u>Content</u> : Notice must include: to the extent possible, a description of categories of info (including covered info) acquired; covered entity's address, telephone number, and toll-free number (if maintained); toll-free numbers and addresses of the major CRAs; and toll-free numbers, addresses, and websites for the FTC and MD Attorney General, plus a statement that residents can obtain info from these sources about steps to avoid identity theft.  <u>Method</u> : In writing, by email (if resident expressly consented to receive electronic notices or if business is primarily conducted online), or by telephone. Substitute notice is available if certain criteria are satisfied. Electronic notice permitted in the case of a breach involving personal information that permits access to an email account only, but specific content and delivery requirements apply.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation or jeopardize national or homeland security. Notice must be given as soon as reasonably practicable, but no longer than 30 days after law enforcement determines notice will not impede investigation or jeopardize security.
<b>Harm Threshold</b>	Notification not required if, after investigation, covered entity determines that covered info has not and likely will not be misused as a result of the breach. Must document determination in writing and maintain for three years.
<b>Government Notice</b>	If notice is required, must notify the MD Attorney General <u>before</u> providing consumer notice.
<b>Consumer Agency Notice</b>	If required to notify 1,000 or more residents, must also notify all nationwide CRAs without unreasonable delay of timing, distribution, and content of the consumer notices.
<b>Third-Party Notice</b>	If maintaining covered info on behalf of another entity, must notify that entity as soon as practicable, but not later than 45 days after discovery or notification of breach. Harm threshold does not apply to third-party notice.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on February 8, 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.**

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Mass. Gen. Laws ch. 93H, §§ 1–6](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	As soon as practicable and without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons, including businesses, that own, license, maintain or store covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state ID card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, so long as encryption key was not compromised.
<b>Breach Defined</b>	Unauthorized acquisition or use of covered info that creates a substantial risk of identity theft or fraud against a resident, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><b>Timing:</b> Must be made as soon as practicable and without unreasonable delay when covered entity knows or has reason to know a breach or other unauthorized acquisition or use of covered info has occurred.</p> <p><b>Content:</b> Notice must include information about resident's right to obtain a police report, how to request a security freeze, and any fees required to be paid to any CRAs. Notification must <u>not</u> include the nature of the incident or the number of residents affected by the incident.</p> <p><b>Method:</b> By written notice or electronic notice (if consistent with E-SIGN and Mass. Gen Laws ch 110G). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation and notifies the Attorney General in writing. The entity must cooperate with law enforcement, including sharing information relevant to the incident.
<b>Harm Threshold</b>	Notification not required if the breach does not create a substantial risk of identity theft or fraud against a resident.
<b>Government Notice</b>	Must notify the Attorney General and the Director of the Office of Consumer Affairs and Business Regulation as soon as practicable and without unreasonable delay. Notice must include the nature of the incident, the number of residents affected and any steps the entity has taken or plans to take relating to the incident.
<b>Consumer Agency Notice</b>	Following receipt of notice, the Director of OCABR may, at its discretion, respond to the covered entity by identifying relevant CRAs or other state agencies that must also receive notice as soon as practicable and without unreasonable delay. The notice must include the same content as required in the notice to the AG.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable and without unreasonable delay when you know or have reason to know of a breach or other unauthorized acquisition or use of covered info. Must also cooperate with owner or licensor of the covered info (including specific disclosure obligations).
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremain LLP

[www.dwt.com](http://www.dwt.com)

[Mich. Comp. Laws §§ 445.61, 445.63, 445.72](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state ID card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security or confidentiality 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, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system.</p> <p><u>Content</u>: Notice must be communicated in a clear and conspicuous manner; describe the breach in general terms; describe the type of covered info subject to the breach; generally describe steps taken protect data against further breaches, if applicable; provide a telephone number the resident may call for assistance or additional info; and remind the resident of the need to remain vigilant for incidents of fraud and identity theft.</p> <p><u>Method</u>: By written, electronic or telephone notice. The statute specifies requirements for each type of notice. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal or civil investigation or jeopardize national or homeland security.
<b>Harm Threshold</b>	Notification not required if entity determines that the breach has not and is not likely to cause substantial loss or injury to, or result in identity theft with respect to, one or more Michigan residents.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, after notifying those residents, covered entity must notify all nationwide CRAs without unreasonable delay of timing and number of resident notices.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them of a breach unless you determine that the breach has not and is not likely to cause substantial loss or injury to, or result in identity theft with respect to, one or more Michigan residents.
<b>Potential Penalties</b>	Violations may result in civil or criminal penalties.

Last revised on March 26, 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.

Minn. Stat. §§ [325E.61](#), [325E.64](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible and without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or businesses that conduct business in Minnesota and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state ID card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to an individual's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or secured by another method of technology that renders it unreadable or unusable, so long as the encryption key is not also 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 in most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach, identify those affected, and restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice to most recent address in covered entity's records, or electronic notice if the primary method of communication with the resident or if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Consumer Agency Notice</b>	If more than 500 residents are notified, entity must notify all nationwide CRAs within 48 hours of consumer notice of the timing, distribution and content of the notices.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach if covered data was, or is reasonably believed to have been, acquired by an unauthorized person.
<b>Potential Penalties</b>	Violations may result in civil or criminal penalties.

Last revised on March 26, 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.

[Miss. Code Ann. § 75-24-29](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that conduct business in Mississippi and who, in the ordinary course of business own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state ID card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is secured by encryption or any other method or technology that renders the covered info unreadable or unusable.
<b>Breach Defined</b>	Unauthorized acquisition of covered info.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made without unreasonable delay, subject to the completion of an investigation to determine the nature and scope of the breach or to restore the reasonable integrity of the system. <u>Method</u> : By written notice, telephone notice, or electronic notice (if that is the primary means of communication with the affected resident or if it is consistent with E-SIGN). Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed for a reasonable period of time if law enforcement determines that notification will impede a criminal investigation or national security and agency has requested that the notification be delayed.
<b>Harm Threshold</b>	Notification not required if, after an appropriate investigation, the covered entity determines that breach will not likely result in harm to residents.
<b>Third-Party Notice</b>	If you conduct business in Mississippi and maintain covered info on behalf of another entity, you must notify them as soon as practicable following discovery of a breach if the covered info was, or is reasonably believed to have been, acquired by an unauthorized person for fraudulent purposes.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Mo. Rev. Stat. § 407.1500](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Without unreasonable delay	YES, if >1,000 residents notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license, or other unique identification number created or collected by a government body; account number, credit or debit card number, unique electronic identifier, or routing code in combination with any required security code, access code, or password that would permit access to a resident's financial account; medical information; or health insurance information.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or otherwise altered in such a manner to make it unreadable or unusable.
<b>Breach Defined</b>	Unauthorized access and 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, consistent with any measures necessary to determine scope of the breach and sufficient contact information for affected residents, and to restore the reasonable integrity, security and confidentiality of the system.</p> <p><u>Content</u>: Notice must include a general description of the breach; the type of covered info affected; a telephone number for further information and assistance, if one exists; contact information for CRAs; and advice to remain vigilant by reviewing account statements and monitoring free credit reports.</p> <p><u>Method</u>: In writing, by telephone (if contact made directly with affected resident), or electronic notice (if entity has valid email address, resident agreed to receive communications electronically, and notice is consistent with E-SIGN). Substitute notice available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede a criminal investigation or jeopardize national or homeland security. The request must be in writing or documented by the covered entity contemporaneously and include the officer name and agency.
<b>Harm Threshold</b>	Notification not required if, after consultation with relevant law enforcement, the covered entity determines that the risk of identity theft or other fraud to any resident is not reasonably likely to occur as a result of the breach. Must document determination and maintain for five years.
<b>Government Notice</b>	If more than 1,000 residents are notified, must notify Attorney General's office without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.



[Mont. Code Ann. §§ 30-14-1701 to -1705](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to person or business, excluding insurance companies, that conduct business in Montana and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license, state ID or tribal ID card number; account, credit card or debit card number in combination with any required security or access code or password that would permit access to an individual's financial account; medical record info as defined by statute; tax ID number; or an identity protection personal ID number issued by the IRS.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted.
<b>Breach Defined</b>	Unauthorized acquisition that materially compromises the security, confidentiality or integrity of the covered info and causes, or is reasonably believed to cause, loss or injury to a resident, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. <u>Method</u> : By written notice, telephone notice, or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if the covered entity reasonably believes that breach has not and will not reasonably cause loss or injury to a Montana resident.
<b>Government Notice</b>	If notice to residents is required, must simultaneously submit electronic copy of notification to Attorney General along with a statement detailing the date and method of distributing the notice and number of residents notified.
<b>Consumer Agency Notice</b>	If notice to residents suggests, indicates or implies that they may obtain a copy of their consumer report from a CRA, entity must coordinate with the CRA as to the timing, content and distribution of the notice. Coordination may not unreasonably delay notice to affected residents.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil or criminal penalties.

Last revised on March 26, 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.



[Neb. Rev. Stat. §§ 87-801 to -807](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	As soon as possible and without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or commercial entities that conduct business in the state and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state ID card number; account, credit or debit card number in combination with any information that allows access to a resident's financial account; unique electronic identification number or routing code combined with any required security code, access code, or password; or unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation.  OR user name or email address, in combination with a password or security question and answer that would permit access to an online account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or otherwise altered in such a manner to make it unreadable, so long as the encryption key was not accessed or 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>	<u>Timing</u> : If, after a reasonable and prompt investigation conducted in good faith, covered entity determines that covered info has been or is reasonably likely to be used for an unauthorized purpose, notice to affected resident must be made as soon as possible and without unreasonable delay, consistent with any measures necessary to determine the scope and restore the reasonable integrity of the system.  <u>Method</u> : By written notice, telephone notice, or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Government Notice</b>	If notice to residents is required, must also notify the Attorney General of the breach no later than the time when residents are notified.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify and cooperate with them after becoming aware of a breach if covered info has been or is reasonably likely to be used for an unauthorized purpose. Cooperation includes, but is not limited to, sharing the information relevant to the breach, but does not include sharing proprietary information.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Nev. Rev. Stat. §§ 603A.010–.100, 603A.220, 603A.900–.920](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	NO	Most expedient time possible and without unreasonable delay	NO

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to businesses that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number (if not redacted); driver's license, driver authorization card or identification card number (if not redacted); account, credit card or debit card number in combination with any required security or access code or password that would permit access to an individual's financial account; medical or health insurance identification number; or a username, unique identifier or email address in combination with a password, access code or security question and answer that would permit access to an online account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted.
<b>Breach Defined</b>	Unauthorized acquisition that materially 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 in the most expedient time possible and without unreasonable delay, consistent with any measures to determine the scope of the breach and restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil or criminal penalties.

Last revised on March 26, 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.

[N.H. Rev. Stat. Ann. §§ 359-C:19, -C:20, -C:21](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	As soon as possible	YES*

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that conduct businesses in the state or that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or government identification number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to an individual's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or secured by a method that renders the covered info completely unreadable or unusable, so long as encryption key was not also acquired.
<b>Breach Defined</b>	Unauthorized acquisition that compromises the security or confidentiality of the covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made as soon as possible following determination that covered information has been or is reasonably likely to be misused or following conclusion that such determination cannot be made.</p> <p><u>Content</u>: Notice must include a description of the incident in general terms, the approximate date of the breach, the type of covered info that was obtained as a result of the breach, and a telephone number for the covered entity.</p> <p><u>Method</u>: By written notice, electronic notice (if the primary means of communication with affected individuals), or by telephone notice (if a log of the notification is kept). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement or national or homeland security agency determines that notification will impede a criminal investigation or jeopardize national or homeland security.
<b>Harm Threshold</b>	Notification not required if entity determines that misuse of the covered info has not occurred and is reasonably unlikely to occur.
<b>Government Notice</b>	<p>If notice to consumers is required, must also notify the Attorney General's office of the breach. Such notice must contain the anticipated date of notice to consumers and the approximate number of New Hampshire residents who will be notified.</p> <p>*Entities engaged in trade or commerce subject to the jurisdiction of the bank commissioner, director of securities regulation, insurance commissioner, public utilities commission, the financial institutions and insurance regulators of other states, or federal banking or securities regulators must notify the primary regulator of such trade or commerce about the breach instead of the Attorney General. Different regulators may have different notification requirements and deadlines.</p>
<b>Consumer Agency Notice</b>	If required to notify more than 1,000 persons, must notify all nationwide CRAs without unreasonable delay of the anticipated date of notification, approximate number of consumers to be notified and the content of the notice. This does not apply to entities subject to Gramm-Leach-Bliley.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify and cooperate with them immediately following discovery of a breach if the covered info was acquired by an unauthorized person. Cooperation includes sharing information relevant to the breach, but not disclosure of confidential info or trade secrets.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.**

Copyright 2018 Davis Wright Tremain LLP

[www.dwt.com](http://www.dwt.com)

[N.J. Stat. Ann. §§ 56:8-161, -163, -165](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible and without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to entities that conduct business in the state and that compile or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	<p>First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.</p> <p>Dissociated data that, if linked, would constitute covered info is itself covered info if the means to link the dissociated data were accessed in connection with access to the dissociated data.</p>
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or secured by any other method or technology that renders it unreadable or unusable.
<b>Breach Defined</b>	Unauthorized access that materially 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 in the most expedient time possible and without unreasonable delay and consistent with any measures necessary to determine the scope of the breach and to restore the integrity of the system.</p> <p><u>Method</u>: By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines and advises that notification will impede a criminal or civil investigation and requests that notification be delayed.
<b>Harm Threshold</b>	Notification not required if entity established that misuse of the covered info is not reasonably possible. Any determination must be documented in writing and retained for five years.
<b>Government Notice</b>	In <u>advance</u> of any disclosure to the consumers, must report breach and any information pertaining to it to the Division of State Police in the Department of Law and Public Safety.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[N.M. Stat. Ann. §§ 57-12C-1, et seq.](#)

TOC > Statutes, Rules, and Const. > NMSA (Unannotated) > Chapter 57 > Article 12C

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible, but not later than 45 days	YES, if >1,000 residents notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to entities that own or licenses elements that include covered info on a resident. 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 government-issued identification number; account, credit or debit card number in combination with any required security or access code or password that would permit access to a person's financial account; or biometric data.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to covered info that is encrypted, redacted or otherwise rendered unreadable or unusable, so long as the encryption key was not accessed or 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><b>Timing:</b> Must be made in the most expedient time possible, but not later than 45 calendar days following discovery of the breach, subject to the delay provision discussed below.</p> <p><b>Content:</b> Notice must contain: name and contact info of covered entity; list of covered info reasonably believed to have been subject to breach; date, estimated date, or range of dates breach occurred, if known; general description of incident; toll-free numbers and addresses of the major CRAs; advice directing recipient to review personal account statements and credit reports, as applicable; advice informing recipient of their rights pursuant to the federal Fair Credit Reporting Act.</p> <p><b>Method:</b> By written notice or electronic notice (if primary method of communication with resident or if consistent with E-SIGN). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed (1) if law enforcement determines that notification will impede a criminal investigation, or (2) as necessary to determine the scope of the breach and restore the integrity, security and confidentiality of the system.
<b>Harm Threshold</b>	Notification not required if, after an appropriate investigation, the covered entity determines that the breach does not give rise to a significant risk of identity theft or fraud.
<b>Government Notice</b>	If more than 1,000 residents are notified, must notify AG in the most expedient time possible but no later than 45 days after discovery of breach, unless delayed notice provision applies. Must include number of residents that were notified and a copy of the notice.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify major CRAs in the most expedient time possible but no later than 45 days, unless delayed notice provision applies.
<b>Third-Party Notice</b>	If you maintain or possess covered info on behalf of another entity, you must notify them in the most expedient time possible, but not later than 45 days following discovery of a breach, subject to the harm threshold and delayed notice provisions.
<b>Potential Penalties</b>	Violations may result in an injunction and civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[N.Y. Gen. Bus. Law § 899-aa](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible and without unreasonable delay	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or businesses that conduct business in the state and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	Name, number, or other identifier that can be used to personally identify an individual, plus: Social Security number; driver's license or non-driver identification card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<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 was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized acquisition or acquisition without valid authorization that compromises the security, confidentiality or integrity of the covered info, excluding certain good faith acquisitions by employees or agents. The statute lists factors that can be considered to determine if covered info was "acquired."
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made in the most expedient time possible and without unreasonable delay and consistent with any measures necessary to determine the scope of the breach and to restore the integrity of the system.</p> <p><u>Content</u>: Notice must include contact info for covered entity and a description of the categories of information reasonably believed to have been acquired without authorization.</p> <p><u>Method</u>: By written notice, telephone notice (if a log of notifications is kept), or by electronic notice (if resident expressly consented to receiving electronic notice, a log of each notification is kept, and business does not require resident to consent to receive notice electronically as a condition of the business relationship). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Government Notice</b>	If residents are notified, must notify the AG, NY Department of State and New York State Police of the timing, content and distribution of the notices and the approximate number of affected persons. This notice must not delay consumer notice.
<b>Consumer Agency Notice</b>	If more than 5,000 residents are notified, must notify CRAs of timing, distribution, and content of the consumer notice, and the approximate number of affected persons. CRA notice must not delay consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.



[N.C. Gen. Stat. §§ 75-61, 75-65](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Without unreasonable delay	YES

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to businesses that own or license covered info. Some types of businesses may be exempt from some or all of these requirements; non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security or employer taxpayer ID numbers; driver's license, state ID card, or passport numbers; checking account, savings account, credit card or debit card numbers; PIN code; digital signatures; biometric data; fingerprints; electronic ID numbers, email names/addresses, Internet account numbers, usernames, parent's legal surname prior to marriage, or passwords (if such information would permit access to a person's financial account or resources); or any other numbers or information that can be used to access a person's financial resources.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not compromised.
<b>Breach Defined</b>	Unauthorized access and acquisition of covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><b>Timing:</b> Must be made without unreasonable delay taking any necessary measures to determine sufficient contact info, determine the scope of the breach and to restore the reasonable integrity, security and confidentiality of the system.</p> <p><b>Content:</b> Notice must be clear and conspicuous and include: a description of the incident in general terms; types of covered info involved; covered entity's general acts to protect against further unauthorized access; covered entity's telephone number that the resident can call for further information and assistance, if one exists; advice that directs residents to remain vigilant; toll-free numbers and addresses for the major CRAs; and toll-free numbers, addresses, and websites for the FTC and the NC Attorney General's office, along with a statement that the resident can obtain information about preventing identity theft from these sources.</p> <p><b>Method:</b> By written notice, telephonic notice, or electronic notice (if residents have agreed to receive communications electronically and notice is consistent with E-SIGN). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that the notification will impede a criminal investigation or jeopardize homeland or national security and makes the request in writing or the covered entity documents the request contemporaneously in writing, including the name of the officer and agency.
<b>Harm Threshold</b>	Notification not required if no illegal use of covered info has occurred or is reasonably likely to occur and breach does not create a material risk of harm to resident.
<b>Government Notice</b>	<p>If residents are notified, must notify the Consumer Protection Division of the Attorney General's office without unreasonable delay and provide the nature of the breach, number of consumers affected, steps taken to investigate the breach, steps taken to prevent a similar breach in the future, and information regarding the timing, distribution and content of the consumer notices.</p> <p>*N.C. Admin Code 3M.0402: Mortgage licensees must notify the Commissioner of the North Carolina Banking Commission within one business day of providing notice to resident.</p>
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution, and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, must notify immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil or criminal penalties.

Last revised on March 26, 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.**

Copyright 2018 Davis Wright Tremain LLP

[www.dwt.com](http://www.dwt.com)



[N.D. Cent. Code §§ 51-30-01 to -07](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible and without unreasonable delay	YES, if > 250 individuals affected

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or non-driver color photo identification card number assigned by the DOT; financial account number, credit card or debit card number in combination with any required security or access code, or password that would permit access to a financial account; date of birth; maiden name of the resident's mother; medical information; health insurance information; employee identification number in combination with any required security code, access code, or password; or digitized or other electronic signature.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is secure by encryption or any other method or technology that renders the covered info unreadable or unusable.
<b>Breach Defined</b>	Unauthorized acquisition of covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and to restore the integrity of the system. <u>Method</u> : By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Government Notice</b>	Must notify the Attorney General via mail or email of any breach that affects more than 250 individuals.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Ohio Rev. Code Ann. §§ 1349.19, 1349.191, 1349.192](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible but no longer than 45 days	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or commercial entities that conduct business in the state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or altered in a manner that renders it unreadable.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security or confidentiality of the covered info that causes, or is reasonably believed to have caused, identity theft or other fraud to a resident, excluding certain good faith acquisitions by employees or agents and acquisitions pursuant to a warrant, subpoena, or other court order.
<b>Consumer Notice</b>	<p><b>Timing:</b> Must be made in the most expedient time possible but not later than 45 days following its discovery of the breach consistent with any measures necessary to determine the scope of the breach, including which residents were affected, and to restore the reasonable integrity of the system.</p> <p><b>Method:</b> By written notice, telephone notice or electronic notice if it is the covered entity's primary method of communication with resident. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that the notification will impede a criminal investigation or jeopardize homeland or national security.
<b>Harm Threshold</b>	Notification not required if the covered entity reasonably believes that the breach has not and will not cause a material risk of identity theft or other fraud to any Ohio resident.
<b>Consumer Agency Notice</b>	If more than 1,000 Ohio residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution, and content of the consumer notice. CRA notice may not delay any other required notifications.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them in an expeditious manner following determination of a breach if the breach causes, or is reasonably believed will cause, a material risk of identity theft or fraud to a resident.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Okla. Stat. tit. 24, §§ 161–166](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	NO*

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security or confidentiality of the covered info that has, or is reasonably believed will, cause identity theft or fraud to a resident, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made without unreasonable delay consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system. <u>Method</u> : By written notice (to the postal address in covered entity's records), telephone notice, or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines and advises that notification will impede a criminal or civil investigation or homeland or national security.
<b>Harm Threshold</b>	Notification not required if covered entity reasonably believes that breach has not and will not cause identity theft or other fraud to any Oklahoma resident.
<b>Government Notice</b>	* Notice to state regulator is generally not required. : However, entities subject to the state Real Estate Commission must send notice of breach to the Commission (Okla. Admin. Code § 605:10-13-1).
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Or. Rev. Stat. §§ 646A.600–.604, 646A.624–.626](#)

[Amendments effective June 2, 2018 available here](#) (codified provisions incorporating amendments 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 >250 residents affected

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that own, license, or otherwise possess covered info in the course of business, vocation, occupation or volunteer activities. Some types of businesses may be exempt from some or all of these requirements, but may be required to notify AG of breach even if exempt.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver license or state ID card number; passport or other U.S.-issued ID number; financial account, credit or debit card number, in combination with any required security or access code or password that would permit access to the resident's financial account or any other combination of information covered entity reasonably should know grants access to a financial account; biometric data; health insurance information used by insurer to identify the resident; or medical information.  OR any of the above data elements without name, if that information is not encrypted, redacted, or otherwise rendered unusable or if the compromised info would be sufficient to permit a person to commit identity theft.
<b>Form of Covered Info</b>	Electronic only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or rendered unusable with other methods.
<b>Breach Defined</b>	Unauthorized acquisition that materially compromises the security, confidentiality or integrity of the covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made in the most expeditious time possible and without unreasonable delay, but not later than 45 days following discovery or notification of breach. In providing notice, covered entity should undertake reasonable measures necessary to determine sufficient contact info, determine the scope of the breach, and restore the reasonable integrity, security and confidentiality of the data.  <u>Content</u> : Notice must include a description of the breach in general terms, approximate date of the breach, the type of covered info subject to the breach, contact info for the covered entity, contact info for the national CRAs, and advice to report suspected identity theft to law enforcement, including the Attorney General and the FTC. If credit monitoring/ID theft protection services offered to affected resident free of charge, enrollment may not require resident to provide credit or debit card number. If additional credit monitoring/ID theft protection services offered for a fee, offer must separately, distinctly, clearly and conspicuously disclose existence of fee.  <u>Method</u> : By written notice, telephone notice (if direct contact made with resident), or electronic notice (if the customary communication method with resident or is consistent with E-SIGN). Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification to consumers and AG may be delayed only if law enforcement determines that notice will impede criminal investigation and has made a written request that the notification be delayed.
<b>Harm Threshold</b>	Notification not required if, after an appropriate investigation or after consultation with relevant federal, state or local law enforcement, covered entity reasonably determines that affected residents are unlikely to suffer harm. The determination must be documented in writing and retained for five years.
<b>Consumer Agency Notice</b>	If over 1,000 residents affected, must notify nationwide CRAs without unreasonable delay of timing, distribution, content of consumer notice, and include police report number, if any. This may not delay consumer notice.
<b>Government Notice</b>	Must notify AG of breaches affecting over 250 residents within 45 days of discovery or notification of breach.
<b>Third-Party Notice</b>	If you maintain or otherwise possess covered info on behalf of another entity, you must notify them as soon as practicable after discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on June 2, 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.**

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[73 Pa. Cons. Stat. §§ 2301–2308, 2329](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to entities that conduct business in the state and maintain, store or manage covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access and acquisition that materially compromises the security or confidentiality of the covered info and that caused, or is reasonably believed will cause, loss or injury to a resident, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made without unreasonable delay, taking any necessary measures to determine the scope of the breach and to reasonably restore the integrity of the system.</p> <p><u>Content</u>: If notice is given by telephone, it must be clear and conspicuous, describe the incident in general terms, verify the resident's covered info but does not require the resident to provide the covered info to the entity, and provides a telephone number or Internet website to visit for further information or assistance.</p> <p><u>Method</u>: By written notice (to the last known home address), by telephone notice (if the consumer can be reasonably expected to receive it), or by email notice (if a prior business relationship exists and the entity has a valid email address). Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines and advises the covered entity in writing that notification will impede a criminal or civil investigation.
<b>Harm Threshold</b>	Notification not required if the covered entity reasonably believes that the breach has not and will not cause loss or injury to any Pennsylvania resident.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and number of consumer notices.
<b>Third-Party Notice</b>	If you maintain, store or manage covered info on behalf of another entity, you must notify them following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[P.R. Laws Ann. tit. 10, § 4051–4055](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	NO	As expeditiously as possible	YES

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to entities authorized to operate or do business in Puerto Rico and that own or are custodians of covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number, voter identification or other official identification; bank or financial account number of any type, with or without any associated password or access code; names of users and passwords or access codes to public or private info systems; medical info protected by HIPAA; tax information; work-related evaluations.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that needs a special cryptographic code to access.
<b>Breach Defined</b>	Unauthorized access that compromises the security, confidentiality, or integrity of the covered info; or where authorized persons or entities accessed and violated professional confidentiality standards or obtained authorization under false representation with intent to make illegal use of covered info.
<b>Consumer Notice</b>	<p><u>Timing</u>: As expeditiously as possible consistent with any measures to restore the security of the system.</p> <p><u>Content</u>: Notice must be submitted in a clear and conspicuous manner, should describe the breach in general terms and the type of sensitive info compromised, and include a toll-free number and Internet site for people to obtain information or assistance.</p> <p><u>Method</u>: By written notice or by authenticated electronic means according to the Digital Signatures Act. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement needs to secure possible crime scenes and evidence.
<b>Government Notice</b>	Must notify the Department of Consumer Affairs within a non-extendable term of 10 days after discovery of the breach.
<b>Third-Party Notice</b>	If you resell or provide access to digital data banks containing covered info, you must notify the proprietor, custodian, or holder of said covered info of any breach that allows access to files containing covered info.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[R.I. Gen. Laws §§ 11-49.3-1 to 11-49.3-6](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible but no later than 45 days	YES, if >500 residents notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that store, own, collect, process, maintain, acquire, use or license covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number or Rhode Island Identification card number; account, credit or debit card number, in combination with any required security or access code, password or PIN number that would permit access to a resident's financial account; medical or health insurance information; or email address with any required security or access code, or password that would permit access to an individual's personal, medical, insurance, or financial account.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access or acquisition that materially compromises the security, confidentiality or integrity of the covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><b>Timing:</b> Must be made in the most expedient time possible but no later than 45 days after confirmation of the breach and the ability to ascertain information that must be included in the consumer notice.</p> <p><b>Content:</b> Notice must include, to the extent known: the date(s) of the breach; date breach was discovered; a general and brief description of the incident, including how the breach occurred and the number of affected individuals; the types of info subject to breach; and a clear and concise description of: (i) any remediation services offered, including the toll-free numbers and websites of CRAs, remediation service providers, and the Attorney General, and (ii) information regarding the resident's ability to file or obtain a police report, how to request a security freeze, and any fees that a CRA may require.</p> <p><b>Method:</b> By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines and notifies the entity that notice will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if the breach or disclosure of personal information does not pose a significant risk of identity theft to a Rhode Island resident.
<b>Government Notice</b>	<p>If more than 500 residents are notified, must notify the Attorney General of timing, distribution and content of the consumer notice and the number of affected individuals. Notification may not delay consumer notice.</p> <p>* R.I. Admin. Code § 11-5-107:11: Entities subject to state insurance regulations must send notice of a breach to the state Department of Business in the most expedient time possible and without unreasonable delay.</p>
<b>Consumer Agency Notice</b>	If more than 500 residents are notified, must notify the major CRAs of timing, distribution and content of the consumer notice and the number of affected individuals. Notification may not delay consumer notice.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)



[S.C. Code Ann. § 39-1-90](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible and without unreasonable delay	YES, if >1,000 residents notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons conducting business in the state and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; financial account, credit card or debit card number in combination with any required security code, access code, or password that would permit access to a resident's financial account; or other numbers or info which may be used to access a person's financial accounts or are issued by a governmental or regulatory entity that uniquely identifies a resident.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or rendered unusable with other methods.
<b>Breach Defined</b>	Unauthorized access and acquisition that materially compromises the security, confidentiality or integrity of the covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made in the most expedient time possible without unreasonable delay, consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system. <u>Method</u> : By written notice, telephone notice, or electronic notice (if it is the primary method of communication with the resident or is consistent with E-SIGN and Chapter 6, Title 11 of the 1976 Code). Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if you reasonably believe that illegal use has not and is not reasonably likely to occur or if use of covered info does not create a material risk of harm to the resident.
<b>Government Notice</b>	If more than 1,000 residents notified pursuant to this statute, must notify Consumer Protection Division of the South Carolina Department of Consumer Affairs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you conduct business in the state and maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[2018 South Dakota Senate Bill No. 62](#) (codified version not yet available)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Not later than 60 days	YES, if >250 residents are affected

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or entities that conduct business in the state and own or license 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 other unique government-issued ID number; account, credit or debit card number in combination with any required security/access code, password, routing number, PIN or other information that would permit access to a financial account; health information as defined by HIPAA; employee ID number in combination with any required security/access code, password, or biometric data used for authentication purposes; or username or email address plus a password or security question and answer permitting access to an online account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to covered info that is encrypted, so long as the encryption key was not also acquired.
<b>Breach Defined</b>	Unauthorized acquisition that materially compromises the security, confidentiality, or integrity of covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<b>Timing:</b> Must be made not later than 60 days after discovery or notification of breach. <b>Method:</b> By written notice or electronic notice (if consistent with E-SIGN or if primary method of communication with affected). Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notification will impede criminal investigation. If notification is delayed, it must be made not later than 30 days after law enforcement determines notification will not compromise investigation.
<b>Harm Threshold</b>	Notification to residents not required if, after appropriate investigation <u>and</u> notice to the AG, the covered entity reasonably determines that the breach will not likely cause harm to affected residents. Determination must be documented in writing and maintained for at least three years.
<b>Government Notice</b>	If over 250 residents are affected, must also notify AG not later than 60 days after discovery or notification of breach of system security.
<b>Consumer Agency Notice</b>	If required to notify any residents, must also notify all national CRAS without unreasonable delay of timing, distribution, and content of notice.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on July 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.

[Tenn. Code Ann. § 47-18-2107](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Immediately but no later than 45 days	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or businesses that conduct business in the state that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<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 was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized acquisition that materially compromises the security, confidentiality or integrity of the covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made no later than 45 days after discovery or notification of the breach. <u>Method</u> : By written notice or electronic notice (if consistent with E-SIGN or is the primary method of communication with the resident). Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation. If notification is delayed, it must be made no later than 45 days after law enforcement determines that notification will not compromise the investigation.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately but no later than 45 days following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Tex. Bus. & Com. Code Ann. §§ 521.002, 521.053, 521.151](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	As quickly as possible	NO

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons who conduct business in Texas and that own, license or maintain covered info associated with any individual (whether or not they are a Texas resident). Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	<p>First name or first initial and last name, plus: Social Security number; driver's license or government-issued identification number; account, credit or debit card number in combination with any required security or access code, or password that would permit access to an individual's financial account.</p> <p>Information that identifies an individual and relates to: their physical or mental health or condition; the provision of health care to them; or their payment for the provision of health care.</p>
<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 was not accessed or 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 as quickly as possible, except as necessary to determine the scope of the breach and restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Consumer Agency Notice</b>	If more than 10,000 persons are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Utah Code Ann. §§ 13-44-101 to -301](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Most expedient time possible and without unreasonable delay	NO

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or protected by another method that renders the data unreadable or unusable.
<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 in the most expedient time possible without unreasonable delay consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice sent by first-class mail to the most recent known address, telephone notice, electronic notice (if it is the primary method of communication with resident or is consistent with E-SIGN), or publishing notice in a newspaper of general circulation in a manner consistent with Utah's public notice statute.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after reasonable and prompt investigation, the covered entity determines that identity theft or fraud has not occurred and is not reasonably likely to occur.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach if misuse of covered info has, or is reasonably likely to, occur. Must cooperate by sharing info relevant to the breach with the data owner.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Vt. Stat. Ann. tit. 9, §§ 2430–2435](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Most expedient time possible without unreasonable delay but no later than 45 days	YES

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to commercial entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or nondriver identification card number; financial account, credit or debit card number, if number could be used without additional identifying information, access codes, or passwords; or account passwords or personal identification numbers or other access codes for a financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to info that is encrypted, redacted, or protected by another method that renders it unreadable or unusable.
<b>Breach Defined</b>	Unauthorized acquisition, or reasonable belief of an unauthorized acquisition, that compromises the security, confidentiality or integrity of covered info, excluding certain good faith acquisitions by employees or agents. Statute provides factors that may be considered to determine if covered info was "acquired."
<b>Consumer Notice</b>	<p><b>Timing:</b> Must be made in the most expedient time possible and without unreasonable delay but not later than 45 days after discovery of breach, consistent with any measures to determine scope of the breach and to restore the reasonable integrity, security and confidentiality of the system.</p> <p><b>Content:</b> Notice must be clear and conspicuous and include description of: incident in general terms; type of covered info subject to the breach; general acts taken to protect the covered info from further security breach; a telephone number (toll-free, if available) that can be called for further info and assistance; advice to remain vigilant by reviewing account statements and monitoring free credit reports; and approximate date of the security breach. Additional requirements apply to electronic notice.</p> <p><b>Method:</b> By written notice, telephone notice (if directly contact the resident via a live call), or electronic notice (if primary method of communication with resident or is consistent with E-SIGN). Substitute notice available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement believes notice will impede an investigation or jeopardize public safety or national or homeland security interests. Covered entity must document request in writing, including name of officer and agency making the request.
<b>Harm Threshold</b>	Notification not required if covered entity determines misuse of covered info is not reasonably possible and provides documentation of determination to Attorney General or Dept. of Financial Regulation, as appropriate..
<b>Government Notice</b>	Subject to a law enforcement delay, must provide preliminary notice to the Attorney General (or Dept. of Financial Regulation if regulated by the Dept.) within 14 business days of discovery of the breach. Notice should include date of the breach (if known), date of discovery, and a preliminary description of the breach.. This requirement is subject to certain limitations. When consumer notice is provided, the covered entity must provide follow up notice to the Attorney General or Department, as appropriate, identifying the number of Vermont residents affected, if known, and a copy of the consumer notice.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.**

[V.I. Code Ann. tit. 14, §§ 2209–2212](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
NO	Most expedient time possible and without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons and businesses that conduct business in the territory and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted.
<b>Breach Defined</b>	Unauthorized acquisition that compromises the security, confidentiality, or integrity of covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system.</p> <p><u>Method</u>: By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notification will impede a criminal investigation.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.



[Va. Code Ann. § 18.2-186.6](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	YES

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements. Incidents involving medical information may be subject to different requirements (Va. Code Ann. § 32.1-127.1:05).
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number, in combination with any required security or access code, or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security or confidentiality 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 following discovery or notification of the breach consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system.</p> <p><u>Content</u>: Notice must include description of incident in general terms, types of covered info subject to breach, the general acts covered entity has taken to protect covered info from further unauthorized access, and a telephone number that person may call for information and assistance, and advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.</p> <p><u>Method</u>: By written notice to last known postal address in covered entity's records, telephone notice or electronic notice. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement believes notice will impede a criminal or civil investigation or national or homeland security.
<b>Harm Threshold</b>	Notification not required if covered entity reasonably believes that breach has not and will not cause identity theft or other fraud to any Virginia resident.
<b>Government Notice</b>	Must notify Attorney General without unreasonable delay following discovery or notification of the breach. Employer or payroll service provider that owns or licenses computerized data related to Virginia income tax withholdings must notify Attorney General without unreasonable delay of discovery or notification of unauthorized access and acquisition of unencrypted and unredacted computerized data containing taxpayer ID number in combination with income tax withheld (if reasonably believed that acquisition has or will cause identity theft or fraud). Notice must include name and federal employer ID number that may be affected by compromise. For employers, this requirement only applies to information about their own employees.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them without unreasonable delay following discover of the breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Wash. Rev. Code §§ 19.255.010–.020](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Most expedient time possible without unreasonable delay, no more than 45 days	YES, if >500 residents are notified

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to persons or businesses that conduct business in the state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or otherwise modified so that covered info is unreadable, unusable, or undecipherable, so long as encryption key was not accessed or 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 in the most expedient time possible without unreasonable delay but no more than 45 calendar days after the breach was discovered, consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system.</p> <p><u>Content</u>: Notice must be written in plain language and include: name and contact info of the covered entity; list of the types of covered info reasonably believed to have been affected by breach; and toll-free phone numbers and addresses of the major CRAs.</p> <p><u>Method</u>: By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if data owner or licensee contacts a law enforcement agency after discovery of a breach and the agency determines notification will impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if the breach is not reasonably likely to subject consumers to a risk of harm.
<b>Government Notice</b>	<p>If more than 500 residents must be notified, must provide notice to the Attorney General prior to consumer notice. Notice must include an electronic copy of the consumer notice and the number of residents affected by the breach.</p> <p>*Wash. Admin Code 284-04-625: Licensees subject to state insurance regulations must notify state Insurance Commissioner about the number of consumers affected and measures taken in writing within two business days of determining notice must be sent to consumers under breach notification statute or 45 C.F.R. § 164.402. Additional notice requirements apply for breaches of PHI.</p>
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[W. Va. Code §§ 46A-2A-101 to -105](#)

## Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Without unreasonable delay	NO

## More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals or commercial entities that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification card number; or financial account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted or redacted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access and acquisition that compromises the security or confidentiality 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, consistent with any measures to determine the scope of the breach and restore the reasonable integrity of the system.</p> <p><u>Content</u>: Notice must include: description of categories of info acquired; telephone number or website address to contact the covered entity (or agent) to learn types of info about individuals maintained by the covered entity and whether the entity maintained info about that individual; and toll-free numbers and addresses for major CRAs and info on how to place a fraud alert or security freeze.</p> <p><u>Method</u>: By written notice to postal address in covered entity's records, telephone notice, or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines that notice will impede criminal or civil investigation or homeland or national security.
<b>Harm Threshold</b>	Notification not required if covered entity reasonably believes that breach has not and will not cause identity theft or other fraud to any resident.
<b>Consumer Agency Notice</b>	If more than 1,000 residents are notified under this statute, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice. This does not apply to entities subject to Gramm-Leach-Bliley.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

[Wis. Stat. § 134.98](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Within reasonable time not greater than 45 days	NO

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to entities, other than individuals, that conduct business in the state and maintain covered info in ordinary course of business, license covered info in the state, maintain deposit accounts for a resident or lend money to a resident. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license or state identification number; financial account, credit or debit card number, or any security or access code, or password that would permit access to the individual's financial account; DNA profile; or unique biometric data.
<b>Form of Covered Info</b>	Electronic or Paper
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, redacted or altered in a manner that renders it unreadable.
<b>Breach Defined</b>	Unauthorized acquisition of covered info, excluding certain good faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<p><u>Timing</u>: Must make reasonable efforts to notify affected residents within a reasonable time not to exceed 45 days after discovery of the breach, subject to law enforcement delay.</p> <p><u>Content</u>: Notice must indicate that covered entity knows of the unauthorized acquisition of covered info pertaining to the resident. Upon written request from a notified individual, the covered entity must identify the covered info that was acquired.</p> <p><u>Method</u>: By mail or by a method the entity has previously used to communicate with the affected person. If address is not known and covered entity has not previously communicated with the affected person, covered entity must provide notice by a method reasonably calculated to actually notify the affected person.</p>
<b>Delayed Notice</b>	Notification must be delayed if law enforcement determines necessary to protect an investigation or homeland security.
<b>Harm Threshold</b>	Notification not required if acquisition of covered info does not create a material risk of identity theft or fraud to the affected person.
<b>Consumer Agency Notice</b>	If more than 1,000 individuals are notified, must notify all nationwide CRAs without unreasonable delay of timing, distribution and content of the consumer notice.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable following determination of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.

Copyright 2018 Davis Wright Tremaine LLP

[www.dwt.com](http://www.dwt.com)

[Wyo. Stat. Ann. §§ 40-12-501 to -502](#)

### Quick Facts

Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
YES	Most expedient time possible without unreasonable delay	NO

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to individuals and commercial entities that conduct business in the state and own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security number; driver's license number; account, credit or debit card number in combination with any security code, access code or password that would allow access to a person's financial account; tribal, or federal or state government-issued identification card; shared secrets or security tokens known to be used for data based authentication; username or email address, in combination with a required password or security question and answer; birth or marriage certificate; medical information; health insurance info; unique biometric info; or a taxpayer identification number.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information where data elements are redacted.
<b>Breach Defined</b>	Unauthorized acquisition that materially 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 in the most expedient time possible without unreasonable delay following determination that covered info has been or will be misused, consistent with any measures to determine the scope of the breach and to restore the reasonable integrity of the system.</p> <p><u>Content</u>: Notice must be clear and consistent and include at minimum: toll-free number for covered entity or its agent, and where consumer can learn the toll-free numbers and addresses for the major CRAs; types of covered info reasonably believed to be subject to breach; a general description of the breach; the approximate date of the breach, if known; the covered entity's general actions to guard against further breach; advice for resident to remain vigilant by reviewing account statements and monitoring credit reports; and whether notice was delayed due to law enforcement.</p> <p><u>Method</u>: By written notice or e-mail notice. Substitute notice is available if certain criteria are satisfied.</p>
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines in writing that notification may seriously impeded a criminal investigation.
<b>Harm Threshold</b>	Notification not required if, after a reasonable and prompt investigation, covered entity determines that misuse of covered info about a Wyoming resident has not occurred and is not likely to occur.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them as soon as practicable following determination of a breach.
<b>Potential Penalties</b>	Violations may result in civil penalties.

Last revised on March 26, 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.**