COLORADO

Data Breach Notification Summary

Davis Wright Tremaine LLP

Colo. Rev. Stat. § 6-1-716

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 – Amendments Effective Sept. 1, 2018

Scope of this Summary	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.
Covered Info	(1) First name or first initial and last name, plus: Social Security number; **student, military, or passport ID number;** driver's license or state identification card number; **medical information; health insurance number; or biometric data; OR (2) username or email address in combination with a password or questions and answers that would permit access to a resident's online account; OR** (3) account number or 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.
Form of Covered Info	Electronic Only
Encryption Safe Harbor	Statute does not apply to information that is encrypted, redacted, or secured by any other means rendering the name or element unreadable or unusable**, so long as the encryption key is not reasonably believed to have also been acquired**.
Breach Defined	Unauthorized acquisition that compromises the security, confidentiality, or integrity of the covered info, excluding certain good-faith acquisitions by employees or agents.
Consumer Notice	Timing: Must be made **no later than 30 days after the date of determination that the breach occurred** consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. **Content: Notice must include: date or estimated date/date range of breach; description of personal information affected; contact info for covered entity where resident can inquire about the breach; toll-free numbers, websites and addresses for the FTC and CRAs; and a statement that residents can obtain info from the FTC and CRAs about fraud alerts and security freezes. Additional info must also be included if a resident's access credentials to an online account are compromised in the breach.** Method: By written, telephone, or electronic notice (if the primary method of communication with the resident or is consistent with E-SIGN). Substitute notice is available if certain criteria are satisfied.
Delayed Notice	Notification may be delayed if law enforcement determines that notice will impede a criminal investigation and notifies the covered entity not to send notice. **Notice must be made no later than 30 days after law enforcement informs the covered entity that delay is no longer required.**
Harm Threshold	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.
Government Notice	**If covered entity reasonably believes that breach affected 500 or more residents, must also notify the Attorney General no later than 30 days after determination that breach occurred.**
Consumer Agency Notice	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.
Third-Party Notice	If you maintain covered info on behalf of another entity, you must notify them **in the most expedient time possible and without unreasonable delay** following discovery of a breach, if misuse of the covered info has occurred or is reasonably likely to occur. Must cooperate by sharing relevant information about breach (no requirement to disclose confidential business info or trade secrets).
Potential Penalties	Violations may result in civil penalties.

Last revised on May 31, 2018. **Text in red reflects amended language that will go into effect on Sept. 1, 2018.**

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