

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 162 Session of 2011

INTRODUCED BY PILEGGI, SCARNATI, ORIE, COSTA, ERICKSON, BROWNE, FOLMER, PICCOLA, YAW, SMUCKER, RAFFERTY, D. WHITE, PIPPY, ALLOWAY, WARD, BOSCOLA, FARNESE, WILLIAMS, BRUBAKER, WASHINGTON, TOMLINSON, GORDNER, WAUGH, MENSCH, GREENLEAF, EARLL, BAKER AND KITCHEN, JANUARY 20, 2011

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, JANUARY 20, 2011

AN ACT

1 Amending the act of December 22, 2005 (P.L.474, No.94), entitled  
2 "An act providing for the notification of residents whose  
3 personal information data was or may have been disclosed due  
4 to a security system breach; and imposing penalties," further  
5 providing for notification of breach.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 3 of the act of December 22, 2005 (P.L.  
9 474, No.94), known as the Breach of Personal Information  
10 Notification Act, is amended by adding a subsection to read:

11 Section 3. Notification of breach.

12 \* \* \*

13 (a.1) Notification by government entity.--If a State agency  
14 or political subdivision is the subject of a breach of security  
15 of the system, the State agency or political subdivision shall  
16 provide notice of the breach of security of the system required  
17 under subsection (a) within seven days following discovery of  
18 the breach. Notification shall be provided to the Office of

1 Attorney General within three business days following discovery  
2 of the breach. Notification shall occur regardless of the  
3 existence of procedures and policies under section 7.

4 \* \* \*

5 Section 2. The act is amended by adding a section to read:  
6 Section 3.1. Investigation of breach involving a government  
7 entity.

8 (a) Investigation.--Upon receipt of notification under  
9 section 3(a.1), the Office of Attorney General shall investigate  
10 the breach. The investigation shall include a review of  
11 procedures, a determination of the cause of the breach and  
12 recommendations to the agency relating to prevention of similar  
13 breaches in the future.

14 (b) Cost.--The cost of the investigation shall be paid by  
15 the agency in which the breach occurred.

16 Section 3. This act shall take effect in 60 days.