

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 114 Session of 2013

INTRODUCED BY PILEGGI, VULAKOVICH, SCARNATI, FARNESE,
 WASHINGTON, ROBBINS, MENSCH, ERICKSON, FONTANA, SCHWANK,
 KASUNIC, RAFFERTY, ALLOWAY, TARTAGLIONE, HUGHES, YAW,
 WILLIAMS, BOSCOLA, GREENLEAF, FERLO, WARD, YUDICHAK, FOLMER,
 GORDNER, VANCE, WAUGH, BREWSTER, BRUBAKER AND BAKER,
 JANUARY 9, 2013

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, JANUARY 9, 2013

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; and providing for
 6 investigation of breach involving a State agency, for
 7 investigation of breach involving a county, school district
 8 or municipality and for individuals responsible for breach.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 3 of the act of December 22, 2005
 12 (P.L.474, No.94), known as the Breach of Personal Information
 13 Notification Act, is amended by adding subsections to read:

14 Section 3. Notification of breach.

15 * * *

16 (a.1) Notification by State agency.--If a State agency is
 17 the subject of a breach of security of the system, the State
 18 agency shall provide notice of the breach of security of the
 19 system required under subsection (a) within seven days following

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

5 (a.2) Notification by county, school district or
6 municipality.--If a county, school district or municipality is
7 the subject of a breach of security of the system, the county,
8 school district or municipality shall provide notice of the
9 breach of security of the system required under subsection (a)
10 within seven days following discovery of the breach.

11 Notification shall be provided to the district attorney in the
12 county in which the breach occurred within three business days
13 following discovery of the breach. Notification shall occur
14 regardless of the existence of procedures and policies under
15 section 7.

16 * * *

17 Section 2. The act is amended by adding sections to read:
18 Section 3.1. Investigation of breach involving a State agency.

19 (a) Investigation.--Upon receipt of notification under
20 section 3(a.1), the Office of Attorney General shall investigate
21 the breach. The investigation shall include a review of
22 procedures, a determination of the cause of the breach and
23 recommendations to the agency relating to prevention of similar
24 breaches in the future.

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

27 Section 3.2. Investigation of breach involving a county, school
28 district or municipality.

29 (a) Investigation.--Upon receipt of notification under
30 section 3(a.2), the district attorney shall investigate the

1 breach. The investigation shall include a review of procedures,
2 a determination of the cause of the breach and recommendations
3 to the county, school district or municipality relating to
4 prevention of similar breaches in the future.

5 (b) Cost.--The cost of the investigation under section
6 3(a.2) shall be paid by the county, school district or
7 municipality where the breach occurred.

8 (c) Attorney General.--If the district attorney determines
9 that the breach of security of the system warrants an
10 investigation by the Office of Attorney General, the district
11 attorney may request that the Attorney General join or take over
12 the investigation.

13 Section 3.3. Individuals responsible for breach.

14 Notwithstanding any other provision of this act, if a breach
15 of security of the system was caused by an intentional act or
16 misuse of the system or intentional unauthorized access to the
17 system, an individual determined by a court to be responsible
18 for the breach may be ordered by the court to pay for the cost
19 of the investigation and the cost of repairing and restoring the
20 system.

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