

**BREACH OF PERSONAL INFORMATION NOTIFICATION ACT - NOTIFICATION
OF THE BREACH OF THE SECURITY OF THE SYSTEM, NOTIFICATION OF
CONSUMER REPORTING AGENCIES, CREDIT REPORTING AND MONITORING
Act of Jun. 28, 2024, P.L. 427, No. 33** **Cl. 12**
Session of 2024
No. 2024-33

SB 824

AN ACT

Amending the act of December 22, 2005 (P.L.474, No.94), entitled, as amended, "An act providing for security of computerized data and for the notification of residents whose personal information data was or may have been disclosed due to a breach of the security of the system; and imposing penalties," further providing for definitions, for notification of the breach of the security of the system and for notification of consumer reporting agencies; and providing for credit reporting and monitoring.

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

Section 1. The definition of "personal information" in section 2 of the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, is amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Personal information."

(1) An individual's first name or first initial and last name in combination with and linked to any one or more of the following data elements when the data elements are not encrypted or redacted:

(i) Social Security number.

(ii) Driver's license number or a State identification card number issued in lieu of a driver's license.

(iii) Financial account number, credit 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.

(iv) Medical information **in the possession of a State agency or State agency contractor.**

(v) Health insurance information.

(vi) A user name or e-mail address, in combination with a password or security question and answer that would permit access to an online account.

(2) The term does not include publicly available information that is lawfully made available to the general public from Federal, State or local government records or widely distributed media.

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Section 1.1. Section 3 of the act is amended by adding subsections to read:

Section 3. Notification of the breach of the security of the system.

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(c.1) Notice to Attorney General.--When notice of the breach of the security of the system under this section must be given to more than 500 affected individuals in this Commonwealth, notice shall be made concurrently to the Office of Attorney General. Notice to the Attorney General shall include the following information to the extent known by the notifying entity:

- (1) The organization name and location.
- (2) The date of the breach of the security of the system.
- (3) A summary of the breach incident of the security of the system.
- (4) An estimated total number of individuals affected by the breach of the security of the system.
- (5) An estimated total number of individuals in this Commonwealth affected by the breach of the security of the system.

(c.2) Exemption.--An entity subject to the requirements of 40 Pa.C.S. Ch. 45 (relating to insurance data security) shall be exempt from the notice requirements under subsection (c.1).

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Section 2. Section 5 of the act is amended to read:
Section 5. Notification of consumer reporting agencies.

When an entity provides notification under this act to more than [1,000] 500 persons at one time, the entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. § 1681a), of the timing, distribution and number of notices.

Section 3. The act is amended by adding a section to read:
Section 5.4. Credit reporting and monitoring.

(a) Assumption of costs.--An entity that provides notification under section 5 and meets the requirements of subsection (b) shall assume all costs and fees in providing the affected individuals:

- (1) Access to one independent credit report from a consumer reporting agency if the individual is not eligible to obtain an independent credit report from a consumer reporting agency for free under 15 U.S.C. § 1681 (relating to congressional findings and statement of purpose).
- (2) Access to credit monitoring services for a period of 12 months following notification. An entity may satisfy the requirements of this paragraph by providing notice to the individual of the availability of monitoring services for a period of 12 months at no cost to the individual.

(b) Data subject to credit reporting and monitoring.--Notwithstanding any other provision of law, an entity shall be subject to the requirements of this section if that entity makes a determination that a breach of the security of the system has occurred and reasonably believes that an individual's first name and last name or an individual's first initial and last name, in combination with any of the following information, has been accessed:

- (1) Social Security number.
- (2) Bank account number.
- (3) Driver's license or State ID number.

(c) Notice.--The entity shall inform the affected individual of the availability of no-cost services under subsection (a) upon notification in compliance with this act.

Section 4. This act shall take effect in 90 days.

APPROVED--The 28th day of June, A.D. 2024.

JOSH SHAPIRO