

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, KITCHEN, ROBBINS AND WOZNIAK, JANUARY 20, 2011

AS AMENDED ON SECOND CONSIDERATION, SEPTEMBER 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; 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 a subsection SUBSECTIONS
14 to read:



15 Section 3. Notification of breach.

16 \* \* \*

17 (a.1) Notification by government entity STATE AGENCY.--If a
18 State agency or political subdivision is the subject of a breach
19 of security of the system, the State agency or political



1 subdivision shall provide notice of the breach of security of  
2 the system required under subsection (a) within seven days  
3 following discovery of the breach. Notification shall be  
4 provided to the Office of Attorney General within three business  
5 days following discovery of the breach. Notification shall occur  
6 regardless of the existence of procedures and policies under  
7 section 7.

8 (A.2) NOTIFICATION BY COUNTY, SCHOOL DISTRICT OR ←  
9 MUNICIPALITY.--IF A COUNTY, SCHOOL DISTRICT OR MUNICIPALITY IS  
10 THE SUBJECT OF A BREACH OF SECURITY OF THE SYSTEM, THE COUNTY,  
11 SCHOOL DISTRICT OR MUNICIPALITY SHALL PROVIDE NOTICE OF THE  
12 BREACH OF SECURITY OF THE SYSTEM REQUIRED UNDER SUBSECTION (A)  
13 WITHIN SEVEN DAYS FOLLOWING DISCOVERY OF THE BREACH.  
14 NOTIFICATION SHALL BE PROVIDED TO THE DISTRICT ATTORNEY IN THE  
15 COUNTY IN WHICH THE BREACH OCCURRED WITHIN THREE BUSINESS DAYS  
16 FOLLOWING DISCOVERY OF THE BREACH. NOTIFICATION SHALL OCCUR  
17 REGARDLESS OF THE EXISTENCE OF PROCEDURES AND POLICIES UNDER  
18 SECTION 7.

19 \* \* \*

20 Section 2. The act is amended by adding ~~a section~~ SECTIONS ←  
21 to read:

22 Section 3.1. Investigation of breach involving a ~~government~~ ←  
23 ~~entity~~ STATE AGENCY. ←

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

30 (b) Cost.--The cost of the investigation shall be paid by

1 the agency in which the breach occurred.

2 SECTION 3.2. INVESTIGATION OF BREACH INVOLVING A COUNTY, SCHOOL ←  
3 DISTRICT OR MUNICIPALITY.

4 (A) INVESTIGATION.--UPON RECEIPT OF NOTIFICATION UNDER  
5 SECTION 3(A.2), THE DISTRICT ATTORNEY SHALL INVESTIGATE THE  
6 BREACH. THE INVESTIGATION SHALL INCLUDE A REVIEW OF PROCEDURES,  
7 A DETERMINATION OF THE CAUSE OF THE BREACH AND RECOMMENDATIONS  
8 TO THE COUNTY, SCHOOL DISTRICT OR MUNICIPALITY RELATING TO  
9 PREVENTION OF SIMILAR BREACHES IN THE FUTURE.

10 (B) COST.--THE COST OF THE INVESTIGATION UNDER SECTION  
11 3(A.2) SHALL BE PAID BY THE COUNTY, SCHOOL DISTRICT OR  
12 MUNICIPALITY WHERE THE BREACH OCCURRED.

13 (C) ATTORNEY GENERAL.--IF THE DISTRICT ATTORNEY DETERMINES  
14 THAT THE BREACH OF SECURITY OF THE SYSTEM WARRANTS AN  
15 INVESTIGATION BY THE OFFICE OF ATTORNEY GENERAL, THE DISTRICT  
16 ATTORNEY MAY REQUEST THAT THE ATTORNEY GENERAL JOIN OR TAKE OVER  
17 THE INVESTIGATION.

18 SECTION 3.3. INDIVIDUALS RESPONSIBLE FOR BREACH.

19 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A BREACH  
20 OF SECURITY OF THE SYSTEM WAS CAUSED BY AN INTENTIONAL ACT OR  
21 MISUSE OF THE SYSTEM OR INTENTIONAL UNAUTHORIZED ACCESS TO THE  
22 SYSTEM, AN INDIVIDUAL DETERMINED BY A COURT TO BE RESPONSIBLE  
23 FOR THE BREACH MAY BE ORDERED BY THE COURT TO PAY FOR THE COST  
24 OF THE INVESTIGATION AND THE COST OF REPAIRING AND RESTORING THE  
25 SYSTEM.

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