

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2167 Session of 2014

INTRODUCED BY SWANGER, COHEN, COX, DENLINGER, GABLER, GROVE, HARPER, HEFFLEY, KORTZ, MILLARD, MURT, ROAE, SACCONI, SCHLOSSBERG, TOEPEL, TURZAI AND McNEILL, APRIL 9, 2014

AS AMENDED, ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 10, 2014

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
9 (P.L.474, No.94), known as the Breach of Personal Information
10 Notification Act, is amended by adding subsections to read:

11 Section 3. Notification of breach.

12 * * *

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

1 discovery of the breach. A State agency under the Governor's
2 jurisdiction shall also provide notice of a breach of security
3 of the system to the Governor's Office of Administration within
4 three business days following the discovery of the breach.
5 Notification shall occur regardless of the existence of
6 procedures and policies under section 7.

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

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

18 (a.3) Storage policy.--

19 (1) The Governor's Office of Administration shall
20 develop a policy to govern the proper storage by State
21 agencies UNDER THE GOVERNOR'S JURISDICTION of data which <--
22 includes personally identifiable information. As permitted by
23 Federal or State law or regulation, the policy shall address
24 identifying, collecting, maintaining, displaying and
25 transferring personally identifiable information, using
26 personally identifiable information in test environments,
27 remediating personally identifiable information stored on
28 legacy systems and other relevant issues. A goal of the
29 policy shall be to reduce the risk of future breaches of
30 security of the system.

1 (2) In developing the policy under paragraph (1), the
2 Governor's Office of Administration shall consider Federal
3 and State law, regulation or both, similar existing policies
4 in other states, best practices identified by other states
5 and relevant studies and other sources as appropriate. The
6 policy shall be reviewed at least annually and updated as
7 necessary.

8 * * *

9 Section 2. This act shall take effect in 60 days.