

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, BAKER, TOMLINSON AND BROWNE, JANUARY 9, 2013

SENATOR VULAKOVICH, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, FEBRUARY 6, 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

1 system required under subsection (a) within seven days following
2 discovery of the breach. Notification shall be provided to the
3 Office of Attorney General within three business days following
4 discovery of the breach. A STATE AGENCY UNDER THE GOVERNOR'S <--
5 JURISDICTION SHALL ALSO PROVIDE NOTICE OF A BREACH OF ITS
6 SECURITY SYSTEM TO THE GOVERNOR'S OFFICE OF ADMINISTRATION
7 WITHIN THREE BUSINESS DAYS FOLLOWING THE DISCOVERY OF THE
8 BREACH. Notification shall occur regardless of the existence of
9 procedures and policies under section 7.

10 (a.2) Notification by county, school district or
11 municipality.--If a county, school district or municipality is
12 the subject of a breach of security of the system, the county,
13 school district or municipality shall provide notice of the
14 breach of security of the system required under subsection (a)
15 within seven days following discovery of the breach.
16 Notification shall be provided to the district attorney in the
17 county in which the breach occurred within three business days
18 following discovery of the breach. Notification shall occur
19 regardless of the existence of procedures and policies under
20 section 7.

21 * * *

22 ~~Section 2. The act is amended by adding sections to read:~~ <--
23 ~~Section 3.1. Investigation of breach involving a 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 2. This act shall take effect in 60 days.

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