

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2369 Session of 2015

INTRODUCED BY THOMAS, SEPTEMBER 26, 2016

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 26, 2016

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,"
 5 providing for disposal of materials containing personal
 6 information.

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

9 Section 1. The act of December 22, 2005 (P.L.474, No.94),
 10 known as the Breach of Personal Information Notification Act, is
 11 amended by adding a section to read:

12 Section 5.1. Disposal of materials containing personal
 13 information.

14 (a) Method of disposal.--A business, entity or individual
 15 shall dispose of material containing personal information in a
 16 manner that renders the personal information unreadable,
 17 unusable and undecipherable. Proper disposal methods include,
 18 but are not limited to:

19 (1) Redaction, burning, pulverization or shredding of
 20 paper documents so that personal information cannot

1 practicably be read or reconstructed.

2 (2) Destruction or erasure of electronic media and other
3 non-paper media so that personal information cannot
4 practicably be read or reconstructed.

5 (b) Third party contracts.--A business, entity or individual
6 disposing of materials containing personal information may
7 contract with a third party to dispose of the materials in
8 accordance with this section. A third party that contracts with
9 a business, entity or individual to dispose of materials
10 containing personal information shall implement and monitor
11 compliance with policies and procedures that prohibit
12 unauthorized access to, acquisition of or use of personal
13 information during the collection, transportation and disposal
14 of materials containing personal information.

15 (c) Penalties.--A business, entity or individual, including
16 a third party referenced in subsection (b), who violates this
17 section is subject to a civil penalty of not more than \$100 for
18 each individual with respect to whom personal information is
19 disposed of in violation of this section. A civil penalty may
20 not, however, exceed \$50,000 for each instance of improper
21 disposal of materials containing personal information. The
22 Attorney General may impose a civil penalty after notice to the
23 person accused of violating this section and an opportunity for
24 hearing. The Attorney General may file a civil action in the
25 appropriate court of common pleas to recover a penalty imposed
26 under this section.

27 (d) Attorney General's authority.--In addition to the
28 authority to impose a civil penalty under subsection (c), the
29 Attorney General may bring an action in the appropriate court of
30 common pleas to remedy a violation of this section, seeking any

1 appropriate relief.

2 (e) Exceptions.--A financial institution subject to 15
3 U.S.C. Ch. 94 (relating to privacy) or any business, entity or
4 individual subject to 15 U.S.C. § 1681w (relating to disposal of
5 records) is exempt from this section.

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