
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1048 Session of
2015

INTRODUCED BY VULAKOVICH, SCARNATI, AUMENT, BROWNE, COSTA,
FARNESE, FOLMER, FONTANA, GORDNER, GREENLEAF, HAYWOOD,
HUGHES, PILEGGI, RAFFERTY, SCAVELLO, SCHWANK, STEFANO, VOGEL
AND WARD, OCTOBER 26, 2015

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, OCTOBER 26, 2015

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 title of act, for definitions and for
6 notification of breach; prohibiting employees of the
7 Commonwealth from using nonsecured Internet connections; and
8 providing for Commonwealth policy.

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

11 Section 1. The title 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 to read:

14 AN ACT

15 Providing for security of computerized data and for the
16 notification of residents whose personal information data was
17 or may have been disclosed due to a security system breach;
18 and imposing penalties.

19 Section 2. The definition of "personal information" in
20 section 2 of the act is amended to read:

1 Section 2. Definitions.

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

5 * * *

6 "Personal information."

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

11 (i) Social Security number.

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

15 (iii) Financial account number, credit or debit card
16 number, in combination with any required security code,
17 access code or password that would permit access to an
18 individual's financial account.

19 (iv) Medical information.

20 (v) Health insurance information.

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

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

27 * * *

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

30 Section 3. Notification of breach.

1 * * *

2 (a.1) Notification by State agency.--If a State agency is
3 the subject of a breach of security of the system, the State
4 agency shall provide notice of the breach of security of the
5 system required under subsection (a) within seven days following
6 discovery of the breach. Notification shall be provided to the
7 Office of Attorney General within three business days following
8 discovery of the breach. A State agency under the Governor's
9 jurisdiction shall also provide notice of a breach of security
10 of the system to the Governor's Office of Administration within
11 three business days following the discovery of the breach.
12 Notification shall occur regardless of the existence of
13 procedures and policies under section 7.

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

25 * * *

26 Section 4. The act is amended by adding sections to read:
27 Section 5.1. Encryption required.

28 (a) General rule.--Employees and contractors of the
29 Commonwealth shall, while performing the employee's or
30 contractor's duties or otherwise conducting official business on

1 behalf of the Commonwealth, utilize encryption to protect the
2 transmission of personal information over the Internet from
3 being viewed or modified by a third party.

4 (b) Transmission policy.--The Governor's Office of
5 Administration shall develop and maintain a policy to govern the
6 proper encryption and transmission by State agencies under the
7 Governor's jurisdiction of data which includes personal
8 information.

9 Section 5.2. Commonwealth policy.

10 (a) Storage policy.--The Governor's Office of Administration
11 shall develop a policy to govern the proper storage by State
12 agencies under the Governor's jurisdiction of data which
13 includes personal information. The policy shall address
14 identifying, collecting, maintaining, displaying and
15 transferring personally identifiable information, using
16 personally identifiable information in test environments,
17 remediating personally identifiable information stored on legacy
18 systems and other relevant issues. A goal of the policy shall be
19 to reduce the risk of future breaches of security of the system.

20 (b) Considerations.--In developing the policy, the
21 Governor's Office of Administration shall consider similar
22 existing policies in other states, best practices identified by
23 other states and relevant studies and other sources as
24 appropriate.

25 (c) Review and update.--The policy shall be reviewed at
26 least annually and updated as necessary.

27 Section 5. This act shall take effect in 60 days.