
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1847 Session of
2017

INTRODUCED BY DRISCOLL, THOMAS, MILLARD, DAVIS, WARREN, BOBACK,
ELLIS, RABB, BAKER, PICKETT, SCHLOSSBERG, V. BROWN, KORTZ,
C. QUINN, D. COSTA, W. KELLER, PASHINSKI, HILL-EVANS, MILNE,
IRVIN AND KAMPF, OCTOBER 13, 2017

REFERRED TO COMMITTEE ON COMMERCE, OCTOBER 13, 2017

AN ACT

1 Amending the act of November 29, 2006 (P.L.1463, No.163),
2 entitled "An act providing for protection from identity
3 theft, for security freezes, for procedures for access after
4 imposition and removal of security freezes and for related
5 matters," further providing for definitions and for fees;
6 providing for credit monitoring and consumer reports; and
7 prohibiting the waiver of rights; and further providing for
8 civil relief.

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

11 Section 1. Section 2 of the act of November 29, 2006
12 (P.L.1463, No.163), known as the Credit Reporting Agency Act, is
13 amended by adding definitions to read:

14 Section 2. Definitions.

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

18 "Breach of the security of the system." The loss,
19 unauthorized access, acquisition or use of unencrypted data,
20 encrypted data, the confidential process or key, that is capable

1 of compromising the security or confidentiality of personal
2 information maintained by the entity as part of a database of
3 personal information regarding multiple individuals. The term
4 does not include good faith acquisition of personal information
5 by an employee or agent of the entity for the purposes of the
6 entity if the personal information is not used for a purpose
7 other than the lawful purpose of the entity and is not subject
8 to further unauthorized disclosure.

9 * * *

10 "Credit monitoring." The process of periodically reviewing a
11 consumer report by a consumer for accuracy and changes that
12 could be indicative of fraudulent activity.

13 * * *

14 Section 2. Section 9(a) of the act is amended to read:

15 Section 9. Fees.

16 (a) General rule.--

17 (1) A consumer reporting agency may impose a reasonable
18 charge on a consumer for initially placing a security freeze
19 on a consumer report. The amount of the charge may not exceed
20 [\$10] \$5. The charge to temporarily lift the security freeze
21 may not exceed [\$10] \$5 per request. At no time shall the
22 consumer be charged for removing the freeze.

23 (2) A consumer reporting agency who has been affected by
24 a breach of the security of the system may not impose a
25 charge on a consumer for placing a security freeze on a
26 consumer report.

27 * * *

28 Section 3. The act is amended by adding sections to read:

29 Section 9.1. Credit monitoring and consumer reports.

30 (a) Credit monitoring.--A consumer reporting agency which

1 has been affected by a breach of the security of the system
2 shall provide each consumer affected by the breach of the
3 security of the system with credit monitoring of the consumer's
4 consumer report at no charge to the consumer for three years
5 following a breach of the security of the system.

6 (b) Consumer reports.--A consumer reporting agency which has
7 been affected by a breach of the security of the system shall
8 provide each consumer affected by the breach of the security of
9 the system with up to three consumer reports for one calendar
10 year after the breach is reported at no charge to the consumer.

11 Section 9.2. Prohibition.

12 A consumer reporting agency which has been affected by a
13 breach of the security of the system may not require a consumer
14 to waive the consumer's rights in order to use the services
15 provided under section 9.1.

16 Section 4. Section 10 of the act is amended to read:

17 Section 10. Civil relief.

18 A violation of this act shall be deemed to be an unfair
19 method of competition and an unfair or deceptive act or practice
20 in violation of the act of December 17, 1968 (P.L.1224, No.387),
21 known as the Unfair Trade Practices and Consumer Protection Law.
22 The Office of Attorney General shall have exclusive authority to
23 bring an action under the Unfair Trade Practices and Consumer
24 Protection Law for a violation of this act.

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