
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1945 Session of
2021

INTRODUCED BY PISCIOTTANO, DELLOSO, FRANKEL, N. NELSON, KINSEY,
RYAN, SANCHEZ, O'MARA, SCHLOSSBERG, CIRESI, DRISCOLL,
PASHINSKI AND D. WILLIAMS, SEPTEMBER 30, 2021

REFERRED TO COMMITTEE ON COMMERCE, SEPTEMBER 30, 2021

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 definitions.

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

8 Section 1. The definition of "personal information" in
9 section 2 of the act of December 22, 2005 (P.L.474, No.94),
10 known as the Breach of Personal Information Notification Act, is
11 amended and the section is amended by adding definitions to
12 read:

13 Section 2. Definitions.

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

17 "Biometric information." Identifying an individual's
18 physiological, biological or behavioral characteristics
19 including an individual's deoxyribonucleic acid (DNA), that can

1 be used, singly or in combination with each other or with other
2 individually identifiable data, to establish individual
3 identity. Biometric information includes:

4 (1) imagery of the iris, retina, fingerprint, face,
5 hand, palm, vein patterns and voice recordings that an
6 identifier template, such as a faceprint, a minutiae template
7 or a voiceprint, can be extracted;

8 (2) keystroke patterns or rhythms;

9 (3) gait patterns or rhythms; and

10 (4) sleep, health or exercise data that contains
11 individually identifiable information.

12 * * *

13 "Individually identifiable." Biometric information or
14 medical information that includes or contains an element of
15 personal information sufficient to allow identification of an
16 individual, including an individual's name, address, electronic
17 mail address, telephone number, Social Security number or other
18 information that, alone or in combination with other publicly
19 available information, reveals an individual's identity.

20 * * *

21 "Personal information."

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

26 (i) Social Security number.

27 (ii) Driver's license number or a State
28 identification card number issued in lieu of a driver's
29 license.

30 (iii) Financial account number, credit or debit card

1 number, in combination with any required security code,
2 access code or password that would permit access to an
3 individual's financial account.

4 (iv) Biometric information.

5 (v) Medical information, including individually
6 identifiable information, in electronic or physical form,
7 in possession of or derived from a provider of health
8 care, health care service plan, pharmaceutical company or
9 contractor regarding a patient's medical history, mental
10 or physical condition or treatment.

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

14 * * *

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