

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 824 Session of 2023

INTRODUCED BY PENNYCUICK, DILLON, BREWSTER, DUSH, COSTA, BOSCOLA, BROOKS, SCHWANK, CAPPELLETTI, CULVER AND MILLER, JUNE 15, 2023

SENATOR PENNYCUICK, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, SEPTEMBER 19, 2023

AN ACT

1 Amending the act of December 22, 2005 (P.L.474, No.94),
2 entitled, as amended, "An act providing for security of
3 computerized data and for the notification of residents whose
4 personal information data was or may have been disclosed due
5 to a breach of the security of the system; and imposing
6 penalties," further providing FOR DEFINITIONS, for <--
7 notification of the breach of the security of the system and
8 for notification of consumer reporting agencies; and
9 providing for credit reporting and monitoring.

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

12 ~~Section 1. Section 3 of the act of December 22, 2005~~ <--
13 ~~(P.L.474, No.94), known as the Breach of Personal Information~~
14 ~~Notification Act, is amended by adding a subsection to read:~~

15 SECTION 1. THE DEFINITION OF "PERSONAL INFORMATION" IN <--
16 SECTION 2 OF THE ACT OF DECEMBER 22, 2005 (P.L.474, NO.94),
17 KNOWN AS THE BREACH OF PERSONAL INFORMATION NOTIFICATION ACT,
18 AMENDED NOVEMBER 3, 2022 (P.L.2139, NO.151), IS AMENDED TO READ:
19 SECTION 2. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 * * *

4 "PERSONAL INFORMATION."

5 (1) AN INDIVIDUAL'S FIRST NAME OR FIRST INITIAL AND LAST
6 NAME IN COMBINATION WITH AND LINKED TO ANY ONE OR MORE OF THE
7 FOLLOWING DATA ELEMENTS WHEN THE DATA ELEMENTS ARE NOT
8 ENCRYPTED OR REDACTED:

9 (I) SOCIAL SECURITY NUMBER.

10 (II) DRIVER'S LICENSE NUMBER OR A STATE
11 IDENTIFICATION CARD NUMBER ISSUED IN LIEU OF A DRIVER'S
12 LICENSE.

13 (III) FINANCIAL ACCOUNT NUMBER, CREDIT OR DEBIT CARD
14 NUMBER, IN COMBINATION WITH ANY REQUIRED SECURITY CODE,
15 ACCESS CODE OR PASSWORD THAT WOULD PERMIT ACCESS TO AN
16 INDIVIDUAL'S FINANCIAL ACCOUNT.

17 (IV) MEDICAL INFORMATION IN THE POSSESSION OF A
18 STATE AGENCY OR STATE AGENCY CONTRACTOR.

19 (V) HEALTH INSURANCE INFORMATION.

20 (VI) A USER NAME OR E-MAIL ADDRESS, IN COMBINATION
21 WITH A PASSWORD OR SECURITY QUESTION AND ANSWER THAT
22 WOULD PERMIT ACCESS TO AN ONLINE ACCOUNT.

23 (2) THE TERM DOES NOT INCLUDE PUBLICLY AVAILABLE
24 INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE GENERAL
25 PUBLIC FROM FEDERAL, STATE OR LOCAL GOVERNMENT RECORDS OR
26 WIDELY DISTRIBUTED MEDIA.

27 * * *

28 SECTION 1.1. SECTION 3 OF THE ACT IS AMENDED BY ADDING A
29 SUBSECTION TO READ:

30 Section 3. Notification of the breach of the security of the

1 system.

2 * * *

3 (c.1) Notice to Attorney General.--When notice of the breach
4 of the security of the system under this section must be given
5 to more than 500 affected individuals in this Commonwealth,
6 notice shall be made concurrently to the Office of Attorney
7 General. Notice to the Attorney General shall include the
8 following information TO THE EXTENT KNOWN BY THE NOTIFYING <--
9 ENTITY:

10 (1) The organization name and location.

11 (2) The date of the breach OF THE SECURITY OF THE <--
12 SYSTEM.

13 (3) A summary of the breach incident OF THE SECURITY OF <--
14 THE SYSTEM.

15 (4) An estimated total number of individuals affected by
16 the breach OF THE SECURITY OF THE SYSTEM. <--

17 (5) An estimated total number of individuals in this
18 Commonwealth affected by the breach OF THE SECURITY OF THE <--
19 SYSTEM.

20 * * *

21 Section 2. Section 5 of the act is amended to read:

22 Section 5. Notification of consumer reporting agencies.

23 When an entity provides notification under this act to more
24 than [1,000] 500 persons at one time, the entity shall also
25 notify, without unreasonable delay, all consumer reporting
26 agencies that compile and maintain files on consumers on a
27 nationwide basis, as defined in section 603 of the Fair Credit
28 Reporting Act (Public Law 91-508, 15 U.S.C. § 1681a), of the
29 timing, distribution and number of notices.

30 Section 3. The act is amended by adding a section to read:

1 Section 5.4. Credit reporting and monitoring.

2 (a) Assumption of costs.--An entity providing notification <--
3 under section 5 shall assume all costs and fees in providing the
4 affected individuals:

5 (1) Access to an independent credit report from a
6 consumer reporting agency supplied once per month for a
7 period of six months following notification.

8 (2) Access to credit monitoring services for a period of
9 12 months following notification.

10 (b) THAT PROVIDES NOTIFICATION UNDER SECTION 5 AND MEETS THE <--
11 REQUIREMENTS OF SUBSECTION (B) SHALL ASSUME ALL COSTS AND FEES
12 IN PROVIDING THE AFFECTED INDIVIDUALS:

13 (1) ACCESS TO ONE INDEPENDENT CREDIT REPORT FROM A
14 CONSUMER REPORTING AGENCY IF THE INDIVIDUAL IS NOT ELIGIBLE
15 TO OBTAIN AN INDEPENDENT CREDIT REPORT FROM A CONSUMER
16 REPORTING AGENCY FOR FREE UNDER 15 U.S.C. § 1681 (RELATING TO
17 CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE).

18 (2) ACCESS TO CREDIT MONITORING SERVICES FOR A PERIOD OF
19 12 MONTHS FOLLOWING NOTIFICATION. AN ENTITY MAY SATISFY THE
20 REQUIREMENTS OF THIS PARAGRAPH BY PROVIDING NOTICE TO THE
21 INDIVIDUAL OF THE AVAILABILITY OF MONITORING SERVICES FOR A
22 PERIOD OF 12 MONTHS AT NO COST TO THE INDIVIDUAL.

23 (B) DATA SUBJECT TO CREDIT REPORTING AND MONITORING.--
24 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ENTITY SHALL BE
25 SUBJECT TO THE REQUIREMENTS OF THIS SECTION IF THAT ENTITY MAKES
26 A DETERMINATION THAT A BREACH OF THE SECURITY OF THE SYSTEM HAS
27 OCCURRED AND REASONABLY BELIEVES THAT AN INDIVIDUAL'S FIRST NAME
28 AND LAST NAME OR AN INDIVIDUAL'S FIRST INITIAL AND LAST NAME, IN
29 COMBINATION WITH ANY OF THE FOLLOWING INFORMATION, HAS BEEN
30 ACCESSED:

1 (1) SOCIAL SECURITY NUMBER.

2 (2) BANK ACCOUNT NUMBER.

3 (3) DRIVER'S LICENSE OR STATE ID NUMBER.

4 (C) Notice.--The entity shall inform the affected individual
5 of the availability of no-cost services under subsection (a)
6 upon notification in compliance with this act.

7 Section 4. This act shall take effect in ~~60~~ 90 days.

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