

STATE OF NEW YORK

8672

2017-2018 Regular Sessions

IN ASSEMBLY

September 25, 2017

Introduced by M. of A. BUCHWALD -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to fee assessments for security freezes following consumer credit reporting agency data breaches

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 1 of subdivision (n) of section 380-t of the
2 general business law is amended by adding a new subparagraph (iii) to
3 read as follows:

4 (iii) (A) No consumer credit reporting agency shall charge a fee to
5 any individual for the placement of a second or subsequent freeze or for
6 the removal of a freeze or the temporary lift of a freeze for a specific
7 party or period of time, when such request is made within five years of
8 a data breach at such consumer credit reporting agency.

9 (B) Such consumer credit reporting agency shall reimburse an individ-
10 ual for any fee assessed by another consumer credit reporting agency for
11 the placement of a second or subsequent freeze or for the removal of a
12 freeze or the temporary lift of a freeze for a specific party or period
13 of time, when such request is made within five years of such data
14 breach.

15 (C) If a fee is assessed and paid for by an individual to a consumer
16 credit reporting agency for the placement of a second or subsequent
17 freeze or for the removal of a freeze or the temporary lift of a freeze
18 for a specific party or period of time prior to the effective date of
19 this subparagraph but after a data breach occurring after January first,
20 two thousand seventeen, such fee shall be reimbursed by such consumer
21 credit reporting agency to such individual. Each consumer credit report-
22 ing agency experiencing such a data breach shall create and maintain a
23 form for such reimbursement and post such form on such agency's website.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13493-02-7

1 (D) For the purposes of this section, "data breach" shall mean the
2 intentional or unintentional release of secure information to an
3 untrusted environment that is reported to the public.

4 § 2. This act shall take effect immediately and shall apply to any
5 data breach that occurred on or after January 1, 2017.