

# STATE OF NEW YORK

8695--A

2017-2018 Regular Sessions

## IN ASSEMBLY

October 5, 2017

Introduced by M. of A. DINOWITZ, GOTTFRIED, BUCHWALD, SIMON, SEAWRIGHT, SIMOTAS, BARRON, THIELE, FAHY, WRIGHT, GUNTHER, SOLAGES, ORTIZ, BRAUNSTEIN, McDONALD, WILLIAMS, OTIS, L. ROSENTHAL, SANTABARBARA, GALEF, TITONE -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system

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

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

3 (3)(i) Upon a breach of the security of the system of a consumer cred-  
4 it reporting agency which includes any social security number, such  
5 agency shall offer to each consumer, whose information, including social  
6 security number, was breached or is reasonably believed to have been  
7 breached, reasonable identity theft prevention services and, if applica-  
8 ble, identify theft mitigation services for a period not to exceed five  
9 years at no cost to such consumers. Such agency shall provide all infor-  
10 mation necessary for such consumers to enroll in such services and shall  
11 include information on how such consumers can request a security freeze.  
12 A consumer credit reporting agency shall not be required to offer such  
13 services if, after an appropriate investigation, the agency reasonably  
14 determines that the breach of security is unlikely to result in harm to  
15 the consumers whose information has been breached.

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

LBD13504-06-8

1 (ii) "Breach of the security of the system" as used in this paragraph  
2 shall have the same definition as in paragraph (c) of subdivision one of  
3 section eight hundred ninety-nine-aa of this chapter.

4 § 2. This act shall take effect on the sixtieth day after it shall  
5 have become a law and shall apply to any breach of the security of the  
6 system of a consumer credit reporting agency that occurred no more than  
7 three years prior to the effective date of this act.