STATE OF NEW YORK

6889

2017-2018 Regular Sessions

IN SENATE

September 29, 2017

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to the timeliness of disclosure of a breach of the security of a system which contains private information

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

Section 1. This act may be cited as the "identity theft prevention and breach notification act".

§ 2. Subdivision 2 of section 899-aa of the general business law, as added by chapter 442 of the laws of 2005, is amended to read as follows:

2. Any person or business which conducts business in New York state, and which owns or licenses computerized data which includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of New York state whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision four of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. **Prior to such disclosure, a preliminary notification that such a breach has occurred or may have occurred shall be made to any resident of New York state whose private information was, or is, reasonably believed to have been acquired by a person without valid authorization within forty-eight hours of the time of discovery of such breach. Additionally, a preliminary notification that such a breach has occurred or may have occurred shall be made to the attorney general within twenty-four hours of the time of the discovery of such breach.**

§ 3. This act shall take effect immediately.

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

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