STATE OF NEW YORK

7232--A

2017-2018 Regular Sessions

IN ASSEMBLY

April 12, 2017

Introduced by M. of A. OTIS -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. 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**. Reasonable delay under this subdivision shall not exceed forty-five days, except as provided in subdivision four of this section or unless the person or business seeking additional time demonstrates to the attorney general that additional time is reasonably necessary to determine the scope of the breach of the security system, prevent further disclosures, conduct the risk assessment, and restore the reasonable integrity of the security system. If the attorney general determines that additional delay is necessary the agency may extend the time period for notification for**

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

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additional periods of up to forty-five days each. Any such extension shall be provided in writing.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.