

# STATE OF NEW YORK

---

6886

2017-2018 Regular Sessions

## IN SENATE

September 25, 2017

---

Introduced by Sen. FUNKE -- 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 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 known 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 known 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 known data breach occurring after January  
20 first, two thousand seventeen, such fee shall be reimbursed by such  
21 consumer credit reporting agency to such individual. Each consumer cred-  
22 it reporting agency shall create and maintain a form for such reimburse-  
23 ment and post such on the agency's website.

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

LBD13493-01-7

1     (D) For the purposes of this section, "known data breach" shall mean  
2     the 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     known data breach that occurred on or after January 1, 2017.