

# STATE OF NEW YORK

8641

## IN SENATE

May 10, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to creating a private right of action for the breach of a consumer's identifying information

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

- 1 Section 1. The general business law is amended by adding a new section  
2 380-mm to read as follows:  
3 § 380-mm. Civil liability for breach of a consumer's identifying  
4 information. 1. For purposes of this section the term "identifying  
5 information" means an individual's:  
6 (a) social security number;  
7 (b) driver's license number;  
8 (c) bank account number;  
9 (d) credit or debit card number;  
10 (e) personal identification number (PIN);  
11 (f) automated or electronic signature;  
12 (g) unique biometric data;  
13 (h) account passwords; or  
14 (i) any other piece of information that can be used to access an indi-  
15 vidual's financial accounts or to obtain goods or services.  
16 2. A consumer reporting agency, or other user of information, in  
17 possession of a consumer's identifying information when such identifying  
18 information is impermissibly obtained by an unauthorized third party, is  
19 liable to such consumer in an amount equal to the sum of:  
20 (a) ten-thousand dollars;  
21 (b) any actual damages sustained by the consumer as a result of such  
22 breach of identifying information; and  
23 (c) in the case of any successful action to enforce any liability  
24 under this section, the costs of the action together with reasonable  
25 attorney's fees as determined by the court.  
26 § 2. 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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