STATE OF NEW YORK

1749

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

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:

Section 1. The general business law is amended by adding a new section 380-mm to read as follows:

§ 380-mm. Civil liability for breach of a consumer's identifying information. 1. For purposes of this section the term "identifying information" means an individual's:

(a) social security number;

(b) driver's license number;

(c) bank account number;

(d) credit or debit card number;

(e) personal identification number (PIN);

(f) automated or electronic signature;

(g) unique biometric data;

(h) account passwords; or

(i) any other piece of information that can be used to access an individual's financial accounts or to obtain goods or services.

2. A consumer reporting agency, or other user of information, in possession of a consumer's identifying information when such identifying information is impermissibly obtained by an unauthorized third party, is liable to such consumer in an amount equal to the sum of:

(a) ten-thousand dollars;

(b) any actual damages sustained by the consumer as a result of such breach of identifying information; and

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

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(c) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

§ 2. This act shall take effect immediately.