STATE OF NEW YORK

2540

2019-2020 Regular Sessions

IN SENATE

January 28, 2019

Introduced by Sens. COMRIE, ADDABBO, BAILEY, BROOKS, FELDER, KENNEDY, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the general business law, in relation to notification of a data breach

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

Section 1. Subdivisions 2 and 3 of section 899-aa of the general business law, as added by chapter 442 of the laws of 2005, are 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~~] **and shall be made within fifteen days after the breach has been discovered, except for** 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~~].

3. Any person or business which maintains computerized data which includes private information which such person or business does not own shall notify the owner or licensee of the information of any breach of the security of the system immediately **and within fifteen days** following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

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

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§ 2. Paragraph (a) of subdivision 8 of section 899-aa of the general business law, as amended by section 6 of part N of chapter 55 of the laws of 2013, is amended to read as follows:

(a) In the event that any New York residents are to be notified, the person or business shall notify the state attorney general, the department of state [~~and~~], the division of state police **and the state department of financial services** as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

§ 3. This act shall take effect immediately.