STATE OF NEW YORK

2374

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. DINOWITZ, BUCHWALD, GOTTFRIED, SIMON, SEAWRIGHT, SIMOTAS, BARRON, THIELE, FAHY, WRIGHT, GUNTHER, SOLAGES, ORTIZ, BRAUNSTEIN, WILLIAMS, OTIS, L. ROSENTHAL, SANTABARBARA, GALEF -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system

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

Section 1. Subdivision (n) of section 380-t of the general business law is amended by adding a new paragraph 3 to read as follows:

(3)(i) Upon a breach of the security of the system of a consumer credit reporting agency which includes any social security number, such agency shall offer to each consumer, whose information, including social security number, was breached or is reasonably believed to have been breached, reasonable identity theft prevention services and, if applicable, identify theft mitigation services for a period not to exceed five years at no cost to such consumers. Such agency shall provide all information necessary for such consumers to enroll in such services and shall include information on how such consumers can request a security freeze. A consumer credit reporting agency shall not be required to offer such services if, after an appropriate investigation, the agency reasonably determines that the breach of security is unlikely to result in harm to the consumers whose information has been breached.

(ii) "Breach of the security of the system" as used in this paragraph shall have the same definition as in paragraph (c) of subdivision one of section eight hundred ninety-nine-aa of this chapter.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to any breach of the security of the system of a consumer credit reporting agency that occurred no more than three years prior to the effective date of this act.

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

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