# STATE OF NEW YORK

3003

2021-2022 Regular Sessions

# IN SENATE

January 27, 2021

Introduced by Sens. SEPULVEDA, BIAGGI -- 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.