STATE OF NEW YORK

3161

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. COMRIE -- 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 requiring certain businesses to offer identity theft prevention and mitigation services in the case of a security breach

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

Section 1. Subdivision 10 of section 899-aa of the general business law, as renumbered by chapter 117 of the laws of 2019, is renumbered to be subdivision 11 and a new subdivision 10 is added to read as follows:

10. (a) Where a security breach from a person or business other than a consumer credit reporting agency includes a social security number, and that person or business is required to provide notice under subdivision two of this section, that person or business shall offer each resident of this state whose social security number was disclosed in the breach of security or is reasonably believed to have been disclosed in the breach of security, reasonable credit report monitoring, identity theft prevention services and, if applicable, identity theft mitigation services at no cost to said resident for a period of not less than twenty-four months. The disclosure required by subdivision two of this section shall include information for any resident of New York state whose social security number was disclosed as a result of a data breach to obtain free, reasonable credit report monitoring, identity theft prevention services and, if applicable, identity theft mitigation services as described in this section.

(b) The requirement to provide twenty-four months of identity theft mitigation services shall not apply to any individual person or small business as defined in section one hundred thirty-one of the economic development law that can demonstrate a financial hardship directly owing to such compliance. A request for a financial hardship waiver shall be

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

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made to the commissioner of the department of financial services on a form prescribed by the department of financial services.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.