

STATE OF NEW YORK

3235

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

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:

- 1 Section 1. The general business law is amended by adding a new section
2 380-mm to read as follows:
3 § 380-mm. Civil liability for breach of a consumer's identifying
4 information. 1. For purposes of this section the term "identifying
5 information" means an individual's:
6 (a) social security number;
7 (b) driver's license number;
8 (c) bank account number;
9 (d) credit or debit card number;
10 (e) personal identification number (PIN);
11 (f) automated or electronic signature;
12 (g) unique biometric data;
13 (h) account passwords; or
14 (i) any other piece of information that can be used to access an indi-
15 vidual's financial accounts or to obtain goods or services.
16 2. A consumer reporting agency, or other user of information, in
17 possession of a consumer's identifying information when such identifying
18 information is impermissibly obtained by an unauthorized third party, is
19 liable to such consumer in an amount equal to the sum of:
20 (a) ten-thousand dollars;
21 (b) any actual damages sustained by the consumer as a result of such
22 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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1 (c) in the case of any successful action to enforce any liability
2 under this section, the costs of the action together with reasonable
3 attorney's fees as determined by the court.

4 § 2. This act shall take effect immediately.