

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 824 Session of 2023

INTRODUCED BY PENNYCUICK, DILLON, BREWSTER, DUSH, COSTA, BOSCOLA, BROOKS, SCHWANK, CAPPELLETTI, CULVER AND MILLER, JUNE 15, 2023

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 3, 2023

AN ACT

1 Amending the act of December 22, 2005 (P.L.474, No.94),
2 entitled, as amended, "An act providing for security of
3 computerized data and for the notification of residents whose
4 personal information data was or may have been disclosed due
5 to a breach of the security of the system; and imposing
6 penalties," further providing for definitions, for
7 notification of the breach of the security of the system and
8 for notification of consumer reporting agencies; and
9 providing for credit reporting and monitoring.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "personal information" in
13 section 2 of the act of December 22, 2005 (P.L.474, No.94),
14 known as the Breach of Personal Information Notification Act,
15 amended November 3, 2022 (P.L.2139, No.151), is amended to read:

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 * * *

21 "Personal information."

1 (1) An individual's first name or first initial and last
2 name in combination with and linked to any one or more of the
3 following data elements when the data elements are not
4 encrypted or redacted:

5 (i) Social Security number.

6 (ii) Driver's license number or a State
7 identification card number issued in lieu of a driver's
8 license.

9 (iii) Financial account number, credit or debit card
10 number, in combination with any required security code,
11 access code or password that would permit access to an
12 individual's financial account.

13 (iv) Medical information in the possession of a
14 State agency or State agency contractor.

15 (v) Health insurance information.

16 (vi) A user name or e-mail address, in combination
17 with a password or security question and answer that
18 would permit access to an online account.

19 (2) The term does not include publicly available
20 information that is lawfully made available to the general
21 public from Federal, State or local government records or
22 widely distributed media.

23 * * *

24 Section 1.1. Section 3 of the act is amended by adding a- <--

25 ~~subsection~~ SUBSECTIONS to read: <--

26 Section 3. Notification of the breach of the security of the
27 system.

28 * * *

29 (c.1) Notice to Attorney General.--When notice of the breach
30 of the security of the system under this section must be given

1 to more than 500 affected individuals in this Commonwealth,
2 notice shall be made concurrently to the Office of Attorney
3 General. Notice to the Attorney General shall include the
4 following information to the extent known by the notifying
5 entity:

6 (1) The organization name and location.

7 (2) The date of the breach of the security of the
8 system.

9 (3) A summary of the breach incident of the security of
10 the system.

11 (4) An estimated total number of individuals affected by
12 the breach of the security of the system.

13 (5) An estimated total number of individuals in this
14 Commonwealth affected by the breach of the security of the
15 system.

16 (C.2) EXEMPTION.--AN ENTITY SUBJECT TO THE REQUIREMENTS OF <--
17 40 PA.C.S. CH. 45 (RELATING TO INSURANCE DATA SECURITY) SHALL BE
18 EXEMPT FROM THE NOTICE REQUIREMENTS UNDER SUBSECTION (C.1).

19 * * *

20 Section 2. Section 5 of the act is amended to read:

21 Section 5. Notification of consumer reporting agencies.

22 When an entity provides notification under this act to more
23 than [1,000] 500 persons at one time, the entity shall also
24 notify, without unreasonable delay, all consumer reporting
25 agencies that compile and maintain files on consumers on a
26 nationwide basis, as defined in section 603 of the Fair Credit
27 Reporting Act (Public Law 91-508, 15 U.S.C. § 1681a), of the
28 timing, distribution and number of notices.

29 Section 3. The act is amended by adding a section to read:

30 Section 5.4. Credit reporting and monitoring.

1 (a) Assumption of costs.--An entity that provides
2 notification under section 5 and meets the requirements of
3 subsection (b) shall assume all costs and fees in providing the
4 affected individuals:

5 (1) Access to one independent credit report from a
6 consumer reporting agency if the individual is not eligible
7 to obtain an independent credit report from a consumer
8 reporting agency for free under 15 U.S.C. § 1681 (relating to
9 congressional findings and statement of purpose).

10 (2) Access to credit monitoring services for a period of
11 12 months following notification. An entity may satisfy the
12 requirements of this paragraph by providing notice to the
13 individual of the availability of monitoring services for a
14 period of 12 months at no cost to the individual.

15 (b) Data subject to credit reporting and monitoring.--
16 Notwithstanding any other provision of law, an entity shall be
17 subject to the requirements of this section if that entity makes
18 a determination that a breach of the security of the system has
19 occurred and reasonably believes that an individual's first name
20 and last name or an individual's first initial and last name, in
21 combination with any of the following information, has been
22 accessed:

23 (1) Social Security number.

24 (2) Bank account number.

25 (3) Driver's license or State ID number.

26 (c) Notice.--The entity shall inform the affected individual
27 of the availability of no-cost services under subsection (a)
28 upon notification in compliance with this act.

29 Section 4. This act shall take effect in 90 days.