



**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
<p>©2007, The Long Term Care Consortium for HIPAA (LTCC). These materials may be reproduced and used only by long-term health care providers and their health care affiliates for their internal use, in connection with their efforts to comply with HIPAA and other relevant legal rules and regulations. All other reproduction, transfer and use is prohibited without the express written consent of the LTCC. Neither the LTCC nor its members make any representation that use of these materials will ensure HIPAA or other legal compliance.</p>					
Alabama	2006 Proposed S.B. 220				
Alaska	2007 Proposed S.B. 21 and HB 31				
Arizona	Ariz. Rev. Stat. § 44-7501 Effective Date: 12-31-06	1) HIPAA Covered Entities excluded. 2) Encryption 3) Redaction 4) Secured by any other method rendering the element unreadable or unusable	Includes substitute notice provisions	AG may bring action for actual damages and penalties up to \$10k per incident	Notice shall be made in the most expedient manner possible and without unreasonable delay
Arkansas	Ark. Code § 4-110-101 et seq. Effective Date: 3-31-2005	1) Encryption 2) Redaction	1) Notification is not required if after a reasonable investigation the person or business determines that there is no reasonable likelihood of harm to customers. 2) Includes substitute notice provisions	AG may bring action	In the most expedient time and manner possible and without unreasonable delay.
California	Cal. Civ. Code § 1798.82 Effective Date: 7-1-2003 Assembly Bill 1298 Effective Date 1-1-2008	Encryption	1) Includes substitute notice provisions 2) Each agency shall keep an accurate accounting of the date, nature, and purpose of each disclosure of a record made pursuant to subdivision A.B. 1298 deletes the "primary purpose" standard, thereby expanding the CMIA to regulate "any business organized for the purpose of maintaining medical information in order to make the information available to an individual or to a provider of health care at the request of the individual or a provider of health care, for the purposes of allowing the individual to manage his or her own information, or for the diagnosis or treatment of the individual.	Right of private action	The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Colorado	Col. Rev. Stat. § 6-1-716 Effective Date: 9/1/06	1) Encryption 2) Redacted 3) Secured by any other method rendering the element unreadable or unusable 4) If an investigation determines that misuse of information about a Colorado resident has not occurred and is not reasonably likely to occur.	Permits substitute notice of the breach if: 1) The cost of providing notice would exceed \$250k, 2) The affected class of persons to be notified exceeds 250,000 residents 3) There is not sufficient contact information to provide notice.	AG may bring action	Shall give notice as soon as possible to the affected Colorado resident. Notice shall be made in the most expedient time possible.
Connecticut	Conn. Gen Stat. 36A-701(b) Effective Date: 1-1-06	1) Encryption or "other means" 2) Notification s not required if, an appropriate investigation and consultation with relevant federal, state and local agencies responsible for law enforcement, reasonably determines that the breach will not likely result in harm to the individuals	Includes substitute notice provisions	AG may bring action	Disclosure should be made without unreasonable delay.
Delaware	De. Code tit. 6, § 12B-101 et seq. Effective Date: 6-28-2005	Encryption	1) If notice is required, must also notify Consumer Protection Division of Dept of Justice 2) Includes substitute notice provisions	1) Private action specifies triple damages plus atty fees 2) AG may bring action	1) Shall give notice immediately following the discovery of a breach if personal information was, or is reasonably believed to have been, acquired by an unauthorized person. 2) Notification must be made in the most expedient time possible and without unreasonable delay 3) **if required to give notice of a breach in the security of personal information, shall also promptly provide written notification of the nature and circumstances of the breach to the Consumer Protection Division of the Department of Justice.

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
D. C.	D.C. Code § 28-3851 et seq. B16-0810 Signed December 2006. To amend Title 28 of the DC code Effective 7-1-2007		DOES NOT include encryption safeharbor	1) Civil action to recover actual damages, the costs of the action, and reasonable attorney's fees. Actual damages shall not include dignitary damages, including pain and suffering. 2) The Attorney General may recover a civil penalty not to exceed \$100 for each violation, the costs of the action, and reasonable attorney's fees. 3) Each failure to provide a District of Columbia resident with notification in accordance with this section shall constitute a separate violation.	1) The notification shall be made without unreasonable delay. 2) If required to notify more than 1,000 persons of a breach of security, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis
Florida	Fla. Stat. § 817.5681 Effective Date: 7-1-2005	Encryption	Includes substitute notice provisions	If required to make notification and fail to do so within specified time limits, liable for an administrative fine not to exceed \$500,000 (per breach, not individual). This also applies to companies that host data.	1) The notification shall be made without unreasonable delay. Notification must be made no later than 45 days following the determination of the breach unless otherwise provided in this section. 2) Notification is not required if, after an appropriate investigation or after consultation with relevant federal, state, and local agencies responsible for law enforcement, the person reasonably determines that the breach has not and will not likely result in harm to the individuals whose personal information has been acquired and accessed. Such a determination must be documented in writing and the documentation must be maintained for 5 years.
Georgia	Ga. Code § 10-1-910 et seq. Effective Date: 5-5-05	1) Encryption 2) Redaction	Applies to Information Brokers	Right of private action	1) The notification shall be made without unreasonable delay. 2) If more than 10,000 persons, must also notify credit reporting agencies
Hawaii	Hawaii Rev. Stat. § 487N-2 Effective Date: 5-25-06	1) Risk of harm must be identified prior to reporting requirements 2) Encryption 3) Redaction down to four digits 4) HIPAA Covered Entities are deemed compliant	1) Includes both computerized and paper records 2) Includes substitute notice provisions,	Provides for enforcement by the Hawaii AG or its Executive Director of the Office of Consumer Protection.	1) Notice shall be made without unreasonable delay. 2) In the event a business provides notice to more than one thousand persons, the business shall notify in writing the State of Hawaii's office of consumer protection and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis.

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Idaho	Id. Code §§ 28-51-104 to 28-51-107 Effective Date: 7-1-06	Encryption	Risk of harm must be identified prior to reporting requirements Includes substitute notice provisions	1. Primary regulator may bring civil action 2. Intentionally failing to give notice: Fine of 25k per breach	1) Notice is required if: If the investigation determines that the misuse of information about an Idaho resident has occurred or is reasonably likely to occur. 2) Notice shall be made without unreasonable delay need prompt investigation and notice as soon as possible.
Illinois	815 Ill. Comp. Stat. 530/1 et seq. Effective Date: 1-1-06	1) Encryption 2) Redaction	Includes substitute notice provisions		The disclosure notification shall be made in the most expedient time possible and without unreasonable delay
Indiana	Ind. Code § 24-4.9 Effective Date: 7-1-2006	1) Encryption 2) Redaction	1) Includes paper if the information has ever been digitized; 2) Includes encrypted information if the breach COULD result in identity deception	1) AG may bring action; 2) fines up to \$150K per deceptive act plus fees and AG's costs in pursuing	1) Notification shall be made without unreasonable delay. 2) If required to make a disclosure to more than one thousand (1,000) consumers shall also disclose to each consumer reporting agency
Iowa	No Proposal				
Kansas	Kansas Stat. 50-7a01, 50-7a02 (2006 S.B. 196, Chapter 149) Effective Date: 1-1-2007	1) Encryption 2) Redaction		AG may bring action	Security breach; requirements. Notice must be made in the most expedient time possible and without unreasonable delay if an investigation determines that the misuse of information has occurred or is reasonably likely to occur. If notice must be made to more than 1,000 consumers at one time, consumer-reporting agencies must also be notified
Kentucky	2006 Proposed HB 4 (passed house)				

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Louisiana	La. Rev. Stat. § 51:3071 et seq. Effective Date: 1-1-2006	1) Encryption 2) Redaction	1) Notification is not required if after a reasonable investigation the person or business determines that there is no reasonable likelihood of harm to customers. 2) Includes substitute notice provisions,	Right to Private action.	The notification shall be made in the most expedient time possible and without unreasonable delay
Maine	Me. Rev. Stat. tit. 10 §§ 1347 et seq. Effective Date: 1-31-2006	1) Encryption 2) Redaction	1) Notice is required if an investigation determines that misuse of the personal information has occurred or if it is reasonably possible that misuse will occur 2) Contains substitute notice provisions	1) AG shall enforce this chapter. 2) Civil violation. A person that violates this chapter commits a civil violation and is subject to one or more of the following: A. A fine of not more than \$500 per violation, up to a maximum of \$2,500 for each day the person is in violation of this chapter, Cumulative effect. The rights and remedies available under this section are cumulative and do not affect or prevent rights and remedies available under federal or state law.	Notice must be made as expeditiously as possible and without unreasonable delay
Maryland	Md. Code, Com. Law § 14-3501 et seq. Effective 1-1-2008	1) Encryption 2) Redaction Entities covered by and in compliance with the following acts are deemed in compliance 3) Gramm-Leach-Bliley Act, 4) Fair and Accurate Transactions Act 5) Federal Interagency Guidelines Establishing Information Security Standards 6) Federal Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice	Must notify A.G. before notice is sent to residents 14-3502 (b) includes record destruction requirements If after the investigation is concluded, the business determines that notification is not required, the business shall maintain records that reflect its determination for 3 years. Includes substitute notice provisions	AG may bring action A violation of this subtitle: is an unfair or deceptive trade practice within the Meaning of title 13 of this article; and is subject to the enforcement and penalty provisions contained in title 13 of this article.	Notification shall include: (1) A description of the categories of information that were acquired by an unauthorized person; (2) Contact information for the business; (3) The toll-free telephone numbers and addresses for the major consumer reporting agencies; and (4) (i) The toll-free telephone numbers, addresses, and website addresses for: 1. The Federal Trade Commission; and 2. The Office of the Attorney General; and ii) A statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft. Notification to Office of the Attorney General.- Prior to giving the notification required under subsection (b) of this section and subject to subsection (d) of this section, a business shall provide notice of a breach of the security of a system to the Office of the Attorney General.

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Massachusetts	2007 H.B. 4144, Chapter 82 (93h) Effective date: 2-3-2008 Chapter 93I - Record Destruction	1) Encryption - Must be 128 bit or higher process	Contains requirements for disposition and destruction of records	Breach Reporting - The attorney general may bring an action pursuant to section 4 of chapter 93A against a person or otherwise to remedy violations of this chapter and for other relief that may be appropriate. Disposition and destruction of records - Civil fine of not more than \$100 per data subject affected, provided said fine shall not exceed \$50,000 for each instance of improper disposal.	1) Written Notice must be provided to the: a) attorney general, b) director of consumer affairs and business regulation, c) Resident - The notice provided to the resident shall include, the consumer's right to obtain a police report, how a consumer requests a security freeze and the necessary information to be provided when requesting the security freeze, and any fees required to be paid to any of the consumer reporting agencies 2) Substitute notice acceptable if cost of written notice will exceed \$250,000.00 or 500,000 residents
Michigan	MI § 445.61 et seq. 2006 S.B. 309, Public Act 566 Effective Date: 6-29-2007	1) HIPAA Covered Entities are excluded. 2) GLB Covered Entities are excluded. 3) Encrypted 4) Redaction	Contains substitute notice provisions	1) Enforcement is allowed by the AG or a prosecuting attorney. 2) Persons or agencies who fail to provide notice may be ordered to pay a civil fine of not more than \$250.00 for each failure to provide notice, capped at \$750,000.00 per security breach. 3) Criminal penalties for notice of a security breach that has not occurred, where such notice is given with the intent to defraud. The offense is a misdemeanor, punishable by imprisonment for not more than 30 days or a fine of not more than \$250.00 per violation (or both).	Written notice made to the individual without unreasonable delay. If the agency determines that the security breach has not or is not likely to cause substantial loss or injury to, or result in identity theft reporting is not required
Minnesota	Minn. Stat. § 325E.61, § 609.891 Effective Date: 1-1-2006	1) HIPAA Covered Entities excluded. 2) Encryption	Requires notification of consumer reporting agencies if notice is provided to more than 500 people.	AG may bring action	1) Without unreasonable delay 2) Must notify all credit reporting agencies within 48 hours if more than 500 people effected
Mississippi	2007 Proposed S.B. 2089				
Missouri	2006 Proposed S.B. 506				

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Montana	Montana Code Annotated 2005 30-14-1701 et seq. Effective Date: 3-1-2006	Encryption	1) Notification required if "... causes ... loss or injury to a Montana resident ..." 2) Includes substitute notice provisions, see statute for detail. 3) Contains records destruction provisions. 4) Includes substitute notice provisions	1) AG may bring action. 2) State may enjoin violations and impose civil penalties	Notice must be provided without unreasonable delay
Nebraska	Neb. Rev Stat 87-801 et. seq. Effective Date: 7-13-2006	1) Encryption 2) Redaction 3) Data otherwise altered by any method or technology in such a manner that the name or data elements are unreadable	Includes substitute notice provisions	AG may bring action	
Nevada	Nevada Revised Statute 603A.010 et seq. Effective Date: 1-1-2006	1) Encryption 2) GLB Covered Entities	Requires business to encrypt all transmissions other than faxes outside of the secure system of the business. Requirement effective 10-1-2008	AG may bring action	1) Notice must be provided without unreasonable delay 2) must also notify credit reporting agencies if more than 1,000 people
New Hampshire	N.H. RS 359-C:19 et seq. Effective Date: 1-1-2007	Encryption	1) Notice must be made if the determination is that misuse of the information has occurred or is reasonably likely to occur, or if a determination cannot be made 2) Includes substitute notice provisions, see statute for detail.	Any person injured by any violation under this subdivision may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages. If the court finds that the act or practice was a willful or knowing violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court.	1) Notify the affected individuals as soon as possible 2) Shall notify the New Hampshire attorney general's office. The notice shall include the anticipated date of the notice to the individuals and the approximate number of individuals in this state who will be notified. 3) If a person is required to notify more than 1,000 consumers of a breach of security pursuant to this section, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis,

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
New Jersey	N.J. Stat. 56:8-163 Effective Date: 1-1-2006	1) Encryption 2) Other method or technology that renders the personal information unreadable or unusable.	1) Notification not required if the business establishes that misuse of the information is not reasonably possible. 2) Requires all security breaches to be reported to the State Police before notifying customers. 3) Contains data destruction provisions.	1) Right to private action. 2) AG shall enforce	1) The disclosure shall be made in the most expedient time possible and without unreasonable delay 2) Report the breach of security and any information pertaining to the breach to the Division of State Police in the Department of Law and Public Safety 3) Breach of more than 1,000 persons at one time, the business or public entity shall also notify all consumer reporting agencies that compile or maintain files on consumers on a nationwide basis
New Mexico	No Proposal				
New York	N.Y. Bus. Law § 899-aa Effective Date: 12-8-2005	Encryption	This law pre-empts any City or Local laws	1) AG bring action 2) If the business acted recklessly, the court may impose a civil penalty of the greater of five thousand dollars or up to ten dollars per instance of failed notification, provided that the latter amount shall not exceed one hundred fifty thousand dollars.	1) The disclosure shall be made in the most expedient time possible and without unreasonable delay. 2) In the event that more than five thousand new York residents are to be notified at one time, the person or business shall also notify consumer reporting agencies
North Carolina	N.C. Gen. Stat § 75-65 Effective Date: 10-1-2006	Encryption	Applies to information in any form, includes any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics (whether computerized, paper, or otherwise)	No private right of action may be brought by an individual for a violation of this section unless such individual is injured as a result of the violation. (j) Causes of action arising under this Article may not be assigned.	1) The disclosure notification shall be made without unreasonable delay. 2) Notice to more than 1,000 consumers at one time pursuant to this section, the business shall notify, without unreasonable delay, the Consumer Protection Division of the Attorney General's Office and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
North Dakota	N.D. Cent. Code § 51-30-01 et seq. Effective Date: 6-1-2005	Encryption		1) The attorney general may impose by order and collect a civil penalty against a person found in an adjudicative proceeding to have violated a cease and desist order issued pursuant to this section, in an amount not more than one thousand dollars for each violation. 2) The attorney general may bring an action in district court to recover penalties under this section.	The disclosure must be made in the most expedient time possible and without unreasonable delay
Ohio	Ohio Rev. Code § 1349.19, §1347 et seq. Effective Date: 2-17-2006	1) Encryption 2) Redaction	Must report on breaches that are reasonably believed to have caused, or reasonably are believed will cause a material risk of ID theft or other fraud.	For each day that the state agency, agency of a political subdivision, or person has intentionally or recklessly failed to comply with the applicable section, subject to divisions (A)(1)(b) and (c) of this section, a civil penalty of up to one thousand dollars for each day the agency or person fails to comply with the section; Day 61 -day 90 penalty is \$5000 per day. Day 91 forward is \$10,000.00 per day	1) Notification must be made "in the most expedient time possible" and not later than 45 days following discovery or notification of the breach. 2) If more than one thousand residents are involved in a single breach the person shall notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis
Oklahoma	Okla. Stat. § 74 3113.1 Effective Date: 6-8-2006	Applies only to state agencies, boards, commissions, or outer units of subdivisions of state government	applies to government agencies only		
Oregon	2007 S.B. 583, Chapter 759 Effective Date: 10-01-2007	1) Encryption 2) Redaction 3) other methods that render data elements unusable.	Includes substitute notice provisions	Any person who violates or who procures, aids or abets in the violation of this 2007 Act shall be subject to a penalty of not more than \$1,000 for every violation, which shall be paid to the General Fund of the State Treasury. Every violation is a separate offense and, in the case of a continuing violation, each day's continuance is a separate violation, but the maximum penalty for any occurrence shall not exceed \$500,000. Civil penalties under this section shall be imposed as provided in ORS 183.745.	Notification shall be made in the most expeditious time possible and without unreasonable delay. Notification is not required if, after appropriate investigation or after consultation with relevant federal, state or local agencies responsible for law enforcement, the person determines that no reasonable likelihood of harm to the consumers whose personal information has been acquired has resulted or will result from the breach.

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Pennsylvania	73 Pa. Cons. Stat. § 2303 Effective Date: 6-22-2006	1) Encryption 2) Redaction	Includes substitute notice provisions,	The Office of Attorney General shall have exclusive authority to bring an action under the Unfair Trade Practices and Consumer Protection Law for a violation of this act	1) Notice shall be made without unreasonable delay. 2) If more than 1,000 persons at one time, the entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis
Rhode Island	R.I. Gen. Laws § 11-49.2-1 et seq. Effective Date: 3-1-2006	Encryption	1) Notification of a breach is not required if, after an appropriate investigation or after consultation with relevant federal, state, or local law enforcement agencies, a determination is made that the breach has not and will not likely result in a significant risk of identity theft to the individuals whose personal information has been acquired. 2) Includes substitute notice provisions,	Each violation is a civil violation for which a penalty of not more than a hundred dollars (\$100) per occurrence and not more than twenty-five thousand dollars (\$25,000) may be adjudged against a defendant.	The disclosure shall be made in the most expedient time possible and without unreasonable delay.
South Carolina	2008 S.B. 453, Act 190 37-20-110 et seq. Effective 12-31 2008	Information that was not rendered unusable through: 1) Encryption 2) Redaction, or 3) other methods	Includes records disposition provisions	A resident of this State who is injured by a violation of this section, in addition to and cumulative of all other rights and remedies available at law, may: 1)institute a civil action to recover damages in case of a willful and knowing violation; 2)institute a civil action that must be limited to actual damages resulting from a violation in case of a negligent violation of this section; 3)seek an injunction to enforce compliance; and 4)recover attorney's fees and court costs, if successful	The disclosure must be made in the most expedient time possible and without unreasonable delay.
South Dakota	No Proposal				

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Tennessee	Tenn. Code § 47-18-2107 Effective Date: 7-1-2005	Encryption	1) Substitute notice provisions 2) Contains a data destruction rule	Right of Private Action	1) The disclosure shall be made in the most expedient time possible and without unreasonable delay. 2) If more than 1000 persons you must notify Consumer Reporting Agencies
Texas	Texas Bus. & Com. Code 48.001et seq. Effective Date: 9-1-2005	Encryption	1) Substitute notice provisions 2) Contains a data destruction rule	1) Provides for Civil penalties 2) AG may enjoin activities 3) Provides for equitable relief for ID theft victims and a declaration that an individual is an ID theft victim.	1) The disclosure shall be made as quickly as possible. 2) Requires credit reporting agencies to be notified if more than 10,000 persons are affected. 3) Includes substitute notice provisions
Utah	Utah Code 13-44-101 et seq. Effective Date: 1-1-2007	1) Encryption 2) Protected by another method that renders the data unreadable or unusable.	1) Notification required if an investigation reveals that the misuse of personal information for identity theft or fraud purposes has occurred, or is reasonably likely to occur 2) Contains a data destruction rule	1) The AG may enforce this chapter's provisions. 2) Provides for Civil Penalties 3) The attorney general may seek injunctive relief to prevent future violations	If the investigation reveals that the misuse of personal information for identity theft or fraud purposes has occurred, or is reasonably likely to occur, notification must be provided in the most expedient time possible without unreasonable delay
Vermont	Vt. Stat. Tit. 9 § 2430 et seq. Effective Date: 1-1-2007	1) Encryption 2) Redaction 3) Data otherwise altered by any method or technology in such a manner that the name or data elements are unreadable	1) Notice need not be given if the data collector establishes that misuse is not reasonably possible and provides notice of that determination and an explanation to the AG or to the department of banking, insurance, securities, and health care administration, as applicable. 2) Substitute notice provisions	AG/Regulatory agencies have sole enforcement powers	Notice of the breach shall be made in the most expedient time possible and without unreasonable delay

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Virginia	Code of Virginia 18.2-186.6	1) Encryption 2) Redaction	In the event an individual or entity provides notice to more than 1,000 persons at one time pursuant to this section, the individual or entity shall notify, without unreasonable delay, the Office of the Attorney General and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. § 1682(a)(p), of the timing, distribution, and content of the notice.	The Office of the Attorney General may impose a civil penalty not to exceed \$150,000 per breach of the security of the system or a series of breaches of a similar nature that are discovered in a single investigation. Nothing in this section shall limit an individual from recovering direct economic damages from a violation of this section.	Disclose any breach of the security of the system following discovery or notification of the breach of the security of the system to the Office of the Attorney General and any affected resident of the Commonwealth without unreasonable delay. The notice shall include: (1) The incident in general terms (2) The type of personal information that was subject to the unauthorized access and acquisition (3) The general acts of the individual to protect the information from further unauthorized access (4) A telephone number that the person may call for further information and assistance (5) Advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports
Washington	Wash. Rev. Code 19.255.010 Effective Date: 7-24-2005	Encryption. Safe Harbor: "shall not be required to disclose a technical breach of the security system that does not seem reasonably likely to subject customers to a risk of criminal activity"	A person or business under this section shall not be required to disclose a technical breach of the security system that does not seem reasonably likely to subject customers to a risk of criminal activity.		Must provide notice in the most expedient time possible and without unreasonable delay
West Virginia	2006 Proposed HB 4551				
Wisconsin	Wis Stat 895.507 Effective Date: 3-31-2006	1) HIPAA Covered Entities excluded. 2) GLB Covered Entities excluded. 3) Encryption 4) Redaction 5) Data altered in a manner that renders the element unreadable	1) Notification is not required if the breach "does not create a material risk of identity theft or fraud to the subject of the personal information. 2) Requires credit-reporting agencies to be notified if more than 1,000 persons must be notified.		1) Must provide notice within 45 days. 2) If more than 1,000 persons, must notify credit reporting agencies also

**Information System Security Breach Notification
Survey of State Laws**

State	Citation	Exceptions	Comments	Penalties for Non-Compliance	Reporting Requirements
Wyoming	Wyo. Stat. § 40 12-501 to -509 Effective: July 1, 2007	Redaction Encryption implied	When company becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal identifying information has been or will be misused.	The attorney general may bring an action in law or equity to address any violation of this section and for other relief that may be appropriate to ensure proper compliance with this section, to recover damages, or both.	1) Notice shall be made in the most expedient time possible and without unreasonable delay. 2) Notice to consumers may be provided by one (1) of the following methods: (i) Written notice; (ii) Electronic mail notice; (iii) Substitute notice, if the person demonstrates: (A) That the cost of providing notice would exceed ten thousand dollars (\$10,000.00) for Wyoming-based persons or businesses, and two hundred fifty thousand dollars (\$250,000.00) for all other businesses operating but not based in Wyoming 3) Notice shall include a toll-free number that the individual may use to contact the person collecting the data, or his agent; and from which the individual may learn the toll-free contact telephone numbers and addresses for the major credit reporting agencies.