

AMERICAN BANKERS ASSOCIATION
Corporate Governance for Mutuals

APPENDIX

K

State Data Breach Enactments

State Comparative Chart on Security Breach Legislation

| State, Bill Number & Citation | Covered Information | Harm or Loss as Criterion | Notice - Timing | Effective Date | Notice - Methods | Notice - Alternatives | Exemptions |
|----------------------------------|---|---------------------------|--|----------------|--------------------|--|--|
| Arkansas 2005 SB 1167 §4-110-101 | Unencrypted first initial and last name with SSN, driver's license number or Arkansas identification number, account, credit or debit card number in combination with required security code, access code or password to access financial account, medical information, or sensitive personal information | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | | Written and e-mail | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds 500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | Person or business that is regulated by a state or federal law that provides greater protection to personal information and at least as thorough disclosure requirements for breaches of the security of personal information than that provided by this subchapter. |

| State, Bill Number & Citation | Covered Information | Harm or Loss as Criterion | Notice - Timing | Effective Date | Notice - Methods | Notice - Alternatives | Exemptions |
|--|---|--|--|----------------|---|---|---|
| Arizona ARS Title 44 Chapter 32 [44-7501] (2006 SB 1338) | Name, social security number, driver license number, financial account number or credit or debit card number and or access code or password | The breach will cause or is reasonably likely to cause substantial economic loss to an individual. | Notice is required "in the most expedient manner possible and without unreasonable delay" but allows for delay at the request of law enforcement | 12/31/2006 | Written, Electronic, Telephonic notice. | If the cost of providing notice exceeds fifty thousand dollars or the number of individuals exceeds one hundred thousand, or there is a lack of sufficient contact information, substitute can consist of: electronic mail, conspicuous posting on the persons website, or notification to major statewide media. | A person subject to title V of the Gramm Leach Bliley Act of 1999 or covered entities as defined under regulations implementing the health insurance portability and accountability act, 45 Code of Federal Regulations section 160.103 (1996) are exempt |

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|--|--|--|--|-----------------------|---|---|---|
| California Civil Code 1798.92 | Individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or State Identification Card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | Notification is required when unencrypted personal information is, or is reasonably believed to have been, acquired by an unauthorized person. | The notice 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. | | Written or electronic (in accordance with 15 U.S.C. Sec 7001) | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds 500,000 or the person substitute notice consists of e-mail, web site posting, or the notification of statewide media | A business that is regulated by state or federal law providing greater protection to personal information than that provided by this section shall be deemed compliance |

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| Colorado §6-1-716 (2006 HB 1119) | Name, social security number, drivers license/ID card number, financial account number, credit card/debit card number | Notification is required unless an investigation determines that misuse of the information has not or is not reasonably likely to occur. | Notice is required in the "most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement," allowing for measures necessary to determine the scope of the breach and restoration of the database's integrity. | 9/1/2006 | Written, telephone, or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds 250,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, or statewide media. | Person or business regulated by state or federal law that maintains breach procedures pursuant to regulations by its state or federal regulator |

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| Connecticut (2005 SB 650) | CC transactions, magazine subscriptions, real estate records, automobile registrations, consumer surveys, warranty registrations, credit reports, Internet websites | Failure to provide any notice shall constitute an unfair or deceptive trade practice for purposes subsection (a) of section 42-110b of the general statutes. Persons required to provide notice are liable to a state or out of state bank that has affected customers for the costs of any reasonable action taken to protect customer information after a security breach | No later than 15 days after such discovery of breach. Notification may be delayed upon the request of a law enforcement officer in furtherance of a law enforcement investigation of such breach. | 1/1/2006 | Written or electronic | E-mail, web site posting, state-wide media if such breach affects more than 100 residents of the state | A person that maintains notification procedures (1) as part of an information security policy for the treatment of personal information, in which the notification is consistent with the timing requirements of the law or (2) pursuant to the rules, regulations, procedures or guidelines established by the person's primary or functional federal regulator, is deemed to be in compliance with the notification requirements of the law. |

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| Delaware HIB 116 § 12B-101 | Individual's first name, first initial and last name in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or Delaware Identification Card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | The Attorney General may bring an action in law or equity to address violations of this chapter and for other relief that may be appropriate to ensure proper compliance with this chapter or to recover direct economic damages resulting from a violation, or both. The provisions of this chapter are not exclusive and do not relieve an individual or a commercial entity subject to this chapter from compliance with all other applicable provisions of law.? | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection (c) of this Code section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. | | Written, electronic or telephonic | If the cost of providing notice will exceed \$75,000, or the class of affected persons to be notified exceeds 100,000 or the person or business does not have sufficient contact information. Substituted notice consists of e-mail, web site posting, statewide media | An individual that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidance or guidelines established by its primary or functional regulator is in compliance with the act if the individual or commercial entity notifies affected residents in accordance with the maintained procedures. Additionally, an individual that maintains notification procedures as part of an information security policy for the treatment of personal information is deemed to be in compliance with the notification requirements of the law if the individual or commercial entity provides notification in accordance with that policy on breach of security and if the notification is consistent with the timing |

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| District of Columbia § 28-3851 through § 28-3853 | First name or first initial and last name, or phone number, or address, and any one or more of the following data elements: SSN; driver's license/ID card number; credit/debit card number; or any other financial account number, security code, access code, or password, that allows access to or use of an individual's financial or credit account. | | In the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. | 7/1/2007 | Written and electronic | If the cost of providing notice would exceed \$50,000, or the number of persons to notify exceeds 100,000, or that the business does not have sufficient contact information substitute notice shall consist of: e-mail; conspicuous web posting, and notification to major local and if applicable national media. | Any person or entity who maintains procedures for a breach notification system under Title V of the Gramm-Leach -Bliley Act. |

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| Florida 2005 HB 481 §817.5681, F.S. | Individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or Florida Identification Card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | Any person required to disclose to a business entity under paragraph (a) who fails to do so within 10 days after the determination of a breach or receipt of notification from law enforcement as provided in subsection (3) is liable for an administrative fine not to exceed \$500,000, as follows: In the amount of \$1,000 for each day the breach goes undisclosed for up to 30 days and, thereafter, \$50,000 for each 30-day period or portion thereof for up to 180 days. | Within 10 days of discovery of breach. Notification may be delayed upon the request of a law enforcement officer in furtherance of a law enforcement investigation of such breach. | 7/1/2005 | Written or electronic | Substitute notice consists of e-mail, web site posting, statewide media | |

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| Georgia 2005 SB 230 §10-1-910-10-1-912 | Individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or Georgia Identification Card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection (c) of this Code section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. | 5/5/2005 | Written or electronic | Substitute notice consists of e-mail, web site posting, statewide media | An information broker that maintains notification procedures as part of an information security policy for the treatment of personal information is deemed to be in compliance with the notification requirements of the law if the information broker provides notification in accordance with that policy on breach of security and if the notification is consistent with the timing requirements of the law. |

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| Hawaii 2006 SB 2290 | First and last name in combination with any of the following unencrypted information: social security number; driver's license/ID card number; account number; credit/debit card number, access code, or password for a person's financial account. | | Without unreasonable delay, consistent with the legitimate needs of law enforcement, and with any measures necessary to determine sufficient contact information, determine the scope of the breach, and restore the reasonable integrity, security, and confidentiality of the data system. | 12/1/2007 | Written, Telephone, or Email (if the customer has agreed to receive communications electronically) | If the cost exceeds \$100,000 or the affected number exceeds 200,000, the entity does not have sufficient contact information, the entity is unable to identify particular affected persons, Substitute notice consists of: email, web site posting, or statewide media | Financial institutions subject to the Federal Interagency Guidance on Response Programs for Unauthorized Access to Consumer Information and Customer Notice published in the Federal Register on March 29, 2005, or subject to 12 C.F.R. Part 748, and any revisions, additions, or substitutions relating to said interagency guidance |

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| Idaho 28-51-104 through 107 (2006 SB 1374) | Name in combination with social security number; driver's license/ID card number; account number, credit/debit card number, or access code/password for a financial account. | If an investigation (conducted upon discovery of a breach) determines "misuse of information about an Idaho resident has occurred or is reasonably likely to occur." | "In the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach, to identify the individuals affected, and to restore the reasonable integrity of the computerized data system." | | Written, telephone, or electronic (in accordance with 15 U.S.C. Sec 7001) | When the cost of notice exceeds \$25,000 or the number to be notified exceeds 50,000 people acceptable substitute notice includes, email, conspicuous web posting and notice to statewide media. | Anyone that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, etc. established by its primary or functional state or federal regulator is deemed in compliance |

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| Illinois 2005 HB 1633 815 ILCS 505/2Z | Individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number, identification card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. | | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds 500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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| Indiana IC 4-33-5 1.5 (2006 HB 1101) | Unencrypted/redacted SSN or a first and last name and one of the following: driver's license number, state ID card number, credit card number, financial account/debit card number with its security/access code or password. | If the database owner knows/should know that a breach has or could result in ID theft they must disclose to an Indiana resident if their unencrypted personal information has been acquired by an unauthorized person or if their encrypted information has been acquired by someone with the encryption key. | "Without unreasonable delay," reasonable delays are defined as those: necessary to restore computer system integrity, discover the scope of the breach; requested by law enforcement because a disclosure will impede an investigation or threaten national security. | 7/1/2006 | Mail, telephone, fax, email (if the database owner has email address of the affected Indiana resident) | If the disclosure is required to more than 500,000 residents or if cost of disclosure will exceed \$250,000 the data base owner may elect to disclose by a posting on his own website and notice to major news reporting media in the geographic area affected by the breach. | Any entity that maintains a data breach disclosure policy under GLBA, FCRA, HIPAA, DPPA, Executive Order 13224, and the Patriot Act. |

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| Kansas (2006 SB 196) | A consumer's first and last name linked to any of the following: SSN, financial account or credit/debit card number with any required security code or password. | If an investigation determines the misuse of information has occurred or is reasonably likely to occur. | Disclosure is required in the most expedient time possible and without unreasonable delay consistent with the needs of law enforcement and the need to determine the scope of the breach and restore the integrity of the computer system. | upon publication | Written notice or electronic notice consistent with 115 U.S.C Sec 7001 | Email (if email addresses are available), website posting, or notification to statewide media | An individual or entity that maintains a breach procedure pursuant to the rules of its primary or functional state or federal regulator is deemed in compliance. |

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| Louisiana 2005 SB 205 | Individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted or redacted: Social security number, driver's license number, identification card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | A civil action may be instituted to recover from actual damages resulting from the failure to disclose in a timely manner to a person that there has been a breach of the security system resulting in the disclosure of a person's personal information. | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 1/1/2006 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | Financial institutions that are subject to and in compliance with the federal banking agencies' guidance issued on March 7, 2005 are deemed in compliance with the act. Additionally, a person that maintains notification procedures as part of an information security policy for the treatment of personal information is deemed to be in compliance with the notification requirements of the law if the person provides notification in accordance with that policy on breach of security and if the notification is consistent with the timing requirements of the Louisiana law. |

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|---|--|--|--|----------------|------------------|---|------------|
| Maine 2002 HB 1180 Sec. 1. 10 MRSA c. 210-B | Individual's last name in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or state identification card, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | Notice is required to any person if misuse of their personal information has, or is reasonably likely to occur. A fine of not more than \$5,000 per violation, up to a maximum of \$25,000 per each day the business is in violation of this chapter; equitable relief; or enjoinder from further violations of this chapter. In addition to a civil penalty assessed or relief provided pursuant to subsection 2, a subject person injured by a violation of this chapter may bring a civil action against the business to recover damages. | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | | Written | Substitute notice consists of e-mail, web site posting, statewide media | |

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|-------------------------------|---|--|---|----------------|---|---|---|
| Maryland CHAPTER 532 | An individual's first name or first initial and last name in combination with any one or more of the following data elements, when the name or the data elements are not encrypted, redacted, or otherwise protected by another method that renders the information unreadable or unusable: a social security number; a driver's license number; a financial account number (including a credit/debit card) that in combination with any required security/access code. | If business determines that misuse of the individual's personal information has occurred or is reasonably likely to occur as a result of a breach of the security of a system, the business shall notify the individual of the breach. | Notification shall be given as soon as reasonably practicable after the business conducts the investigation to determine the likelihood of the misuse of the information. Notification may be delayed at the request of law enforcement or to determine the scope of the breach of the security of a system, identify the individuals affected, or restore the integrity of the system. | 1/1/2008 | Written notice, telephone, or email if: the individual has expressly consented to receive electronic notice; or the business conducts its business primarily through internet account transactions or the internet. | If the cost of notification will exceed \$100,000 or the affected class of people exceeds 175,000 MA residents substitute notice can consist of email, conspicuous web posting, or notification of statewide media. | Any business that complies with the requirements for notification procedures under the rules, regulations, procedures, or guidelines established by the primary or functional federal or state regulator of the business shall be deemed to be in compliance. |

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| Massachusetts 2007 Chapter 93H | First name and last name or first initial and last name in combination with any 1 or more of the following: SSN; driver's license/state ID number; or financial account, credit/debit card number, with or without security/access code or passwords. Does not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public. | When a person or business knows or has reason to know that a breach of security has occurred or that the personal information of a resident has been acquired by an unauthorized person or used for an unauthorized purpose. | As soon as practicable and without unreasonable delay, allowing for delay at the request of law enforcement. | | Written, electronic (if consistent with §7001 (c) of Title 15 of U.S. Code). | If the cost of notification will exceed \$250,000 or the affected class of people exceeds 500,000 MA residents substitute notice can consist of email, conspicuous web posting, or publication/broadcast through media outlet throughout the commonwealth. | Anyone who maintains procedures for responding to a breach of security pursuant to federal laws, rules, regulations, guidance, or guidelines, is deemed to be in compliance with this chapter if the person notifies affected Massachusetts residents in accordance with the maintained or required procedures when a breach occurs; provided further that the person also notifies the attorney general and the director of the office of consumer affairs and business regulation of the breach as soon as practicable and without unreasonable delay. |

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| Minnesota 2005 HB 2121 §1-325E.61 | A breached entity is liable to a financial institution for the costs of actions taken to protect its cardholders and deems an entity in violation and liable if its service provider maintains such data or is breached. | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 1/1/2006 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | The act specifically exempts financial institutions as defined in Title V of the Gramm-Leach-Bliley Act and entities subject to the privacy and security provisions of the Health Insurance Portability and Accountability Act of 1996. If a person must notify more than 500 persons at one time, then within 48 hours the person must notify all nationwide consumer reporting agencies of the timing, distribution and content of the notices. |

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| Montana 2005 HB 732 §31-3-115, MCA | Does not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public. | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 3/1/2006 | Written, electronic or telephonic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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| Nebraska 2006 LB 876 | First name or first initial and last name in combination with: SSN, driver's license/state ID card number, account number, credit/debit card number in combination with any password or security code, EID or routing code, biometric data. | Disclosure is required if an investigation determines that use of personal information about a Nebraska resident by an unauthorized person has occurred or is reasonably likely to occur. | Notice is required without unreasonable delay, allowing delays for the legitimate needs of law enforcement as well as for measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. | 7/13/2006 | Written notice or electronic notice consistent with 115 U.S.C Sec 7001 | If the cost of providing notice will exceed \$75,000 or the number to be notified exceeds 100,000, or sufficient contact information is not available alternative notice may include:e-mail, web site posting, statewide media | An entity that is regulated by state or federal law and maintains procedures for a breach of the security pursuant to the regulations or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance. |

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| Nevada 2005 AB 334 | Name of individual with SSN, driver's license number or identification number, account, credit or debit card number in combination with required security code, access code or password to access financial account, medical information, or sensitive personal information | A person who has suffered injury as the proximate result of a violation of this section may commence an action against the limitations set forth in NRS 41.0305 to 41.039, inclusive. An action described in this subsection must be commenced not later than 2 years after the person who suffered the injury discovers the facts constituting the violation of this section. | No later than 30 days after such discovery of breach. Notification may be delayed upon the request of a law enforcement officer in furtherance of a law enforcement investigation of such breach. | 1/1/2007 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | The notification provisions specifically exempt data collectors subject to the privacy and security provisions of the Gramm-Leach-Bliley Act. In the event that 1,000 persons must be notified at one time, the data collector shall also notify all nationwide consumer reporting agencies of the timing, distribution and content of the notices. |

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| New Hampshire 2006 HB 1660 | First name or first initial and last name in combination with: SSN, driver's license/state ID card number, account number, credit/debit card number in combination with any password or security code | If the investigation of a breach indicates that misuse of personal information has occurred or is reasonably likely to occur, or if a determination cannot be made, notification of affected individuals is required. | As soon as possible, allows delays for law enforcement agencies, or national or homeland security agencies if they determine that the notification will impede a criminal investigation or jeopardize national or homeland security. | 1/1/2007 | Written, Electronic, Telephonic notice. | When notification cost exceeds \$5,000, the number exceeds 1,000, or contact information is not available substitute notification methods include: E-mail, Conspicuous web posting, notification to major statewide media, or notice pursuant to the person's internal notification procedures | Anyone engaged in commerce subject to RSA 358-A:3 that maintains breach notification procedures pursuant to the regulations of their state or federal regulator are deemed in compliance. |

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| New Jersey 2005 AB 4001 | "Personal information" means an individual's first name or first initial and last name linked with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or State identification card number; or (3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | | The disclosure to a consumer 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. | 6/1/2006 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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|-------------------------------|--|---|--|----------------|-----------------------------------|--|------------|
| New York 2005 AB 4254 | Personal information when the data elements are not encrypted: Social security number, driver's license number, identification card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | Attorney General may bring an action on behalf of the people of New York, in a court of justice where the court may award damages for actual costs or losses. | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 6/7/2005 | Written, telephonic or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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| North Carolina 2005 SB 1048 | Social security or employer taxpayer identification numbers, Driver's license, State identification card, or passport numbers, Checking account numbers, Savings account numbers, Credit card numbers, Debit card numbers, Personal Identification (PIN) Code as defined in G.S. 14 113.8, Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names, Digital signatures, Any other numbers or information that can be used to access a person's financial resources. | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 7/1/2007 | Written, telephonic or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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| North Dakota 2005 SB 2251 \$ 12.1-23-11 - 12.1-23-12 | Individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or identification number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account, maiden name, employer identification number and a digitized or electronic signature. | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 6/1/2005 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | The act specifically exempts financial institutions that are subject to and in compliance with the federal banking agencies' guidance issued on March 7, 2005. Additionally, a person that maintains notification procedures as part of an information security policy for the treatment of personal information is deemed to be in compliance with the notification requirements of the law if the person provides notification in accordance with that policy on breach of security and if the notification is consistent with the timing requirements of the law. |

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| Ohio 1345.51, 1347.01, 1347.12, 1349.19, 1349.191, 1349.192 (2006 HB 104) | First name, or first initial and last name in combination with any of the following unencrypted identifiers: SSN, driver's license/state ID card number, financial account number, debit/credit card number in combination with a security access code/password that provides access to a person's financial account. | If breach by unauthorized person causes or reasonably is believed will cause a material risk of identity theft or other fraud to the resident notification is required. | Within 45 days of discovery of the unauthorized acquisition of personal information allowing for time to determine the scope of the breach, restore the integrity of the computer system Delay is also required at the request of law enforcement for purposes of investigations and issues of national security | | Written, telephone, electronic | If the cost of notice exceeds \$250,000 or the number affected exceeds 500,000 alternative notice may include: email, web posting, or notification of statewide media. | "A financial institution, trust company, or credit union or any affiliate of a financial institution, trust company, or credit union that is required by federal law, including, but not limited to, any federal statute, regulation, regulatory guidance, or other regulatory action, to notify its customers of an information security breach with respect to information about those customers and that is subject to examination by its functional government regulatory agency for compliance with the applicable federal law, is exempt from the requirements of this section." |

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| Oregon | An individual's first name or first initial and last name in combination with any one or more of the following data elements, (when the data elements are not rendered unusable through encryption, redaction or other methods, or when the data elements are encrypted and the encryption key has also been acquired): a social security number; a passport number; a driver's license number; a financial account number (including a credit/debit card) that in combination with any required security/access code. | If a consumer's personal information was included in the information that was breached. | Without unreasonable delay except at the request of law enforcement. | 10/1/2007 | Written notice or electronic notice consistent with 115 U.S.C Sec 7001 | If the cost of notice exceeds \$250,000 or the number affected exceeds 300,000 alternative notice may include: email, web posting, or notification of statewide media. | Entities whose compliance with Title V of GLBA provide greater protection and at least as thorough disclosure |

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| Pennsylvania (2006 SB 712 amended previous statute) | First name, or first initial and last name in combination with any of the following unencrypted identifiers: SSN, driver's license/state ID card number, financial account number, debit/credit card number in combination with a security access code/password that provides access to a person's financial account. | Notification required to any Pennsylvania resident whose unencrypted information was (or is reasonably believed to have been) accessed/acquired by an unauthorized person. | Without unreasonable delay, allowing for delays to determine the scope of the breach, restore the integrity of the computer system, and in if law enforcement requests a delay in writing for the purposes of an investigation. When the breach affects more than 1,000 persons notification must also be made to credit reporting agencies. | 6/22/2006 | Written, telephone, email | If the cost of notice exceeds \$100,000 or the number affected exceeds 175,000 alternative notice may include: email, web posting, or notification of statewide media. | "A financial institution that complies with the notification requirements prescribed by the Federal Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice is deemed to be in compliance with this act." |

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| Rhode Island 2005 HB 6191 | "Personal information" means an individual's first name or first initial and last name linked with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or State identification card number; or (3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 3/1/2006 | Written or electronic | Substitute notice consists of e-mail, web site posting, statewide media | A person that maintains notification procedures as part of an information security policy for the treatment of personal information in which the notification is consistent with the timing requirements of the law is deemed to be in compliance with the notification requirements of the law. Additionally, a financial institution that is in compliance with the federal banking agencies' guidance issued on March 7, 2005 or rules, regulations, procedures or guidelines established by the institution's functional regulator under the Gramm-Leach-Bliley Act is deemed in compliance with the act. |

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| Tennessee 2005 SB 2220 | Individual's first name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number, identification card number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 7/1/2005 | Written or electronic | Substitute notice consists of e-mail, web site posting, statewide media | The act specifically exempts financial institutions subject to the Gramm-Leach-Bliley Act. In the event that 1,000 persons must be notified at one time, the information holder shall also notify all nationwide consumer reporting agencies of the timing, distribution and content of the notices. |

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| Texas 2005 SB 122 | Individual's first name, first initial and last name in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or identification number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | A person who violates this chapter is liable to the state for a civil penalty of at least \$2,000 but not more than \$50,000 for each violation. The attorney general may bring suit to recover the civil penalty imposed by this subsection. (b) If it appears to the attorney general that a person is engaging in, has engaged in, or is about to engage in conduct that violates this chapter, the attorney general may bring an action in the name of this state against the person to restrain the violation by a temporary restraining order or a permanent or temporary injunction. | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and requests a delay of notice. | 9/1/2005 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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| Utah §13-42-202 (2006 SB 69) | Personal information" means an individual's first name or first initial and last name linked with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or State identification card number; or (3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | If the investigation of a breach indicates that misuse of personal information has occurred or is reasonably likely to occur, or if a determination cannot be made, notification of affected individuals is required. | Without unreasonable delay, allowing for delays to determine the scope of the breach, restore the integrity of the computer system, and in if law enforcement requests a delay in writing for the purposes of an investigation. | 1/1/2007 | Written, telephone, publishing notice in a newspaper of general circulation, or electronic notice consistent with 115 U.S.C Sec 7001 | | An entity that is regulated by state or federal law and maintains procedures for a breach of the security pursuant to the regulations or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance. |

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| Vermont Sec. 1. 9 V.S.A. chapter 62 (2006 SB 284) | Personal information" means an individual's first name or first initial and last name linked with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or State identification card number; or (3) account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | If the breach affects more than 1,000 persons notification must also be made to credit reporting agencies. | Without unreasonable delay, allowing for delays to determine the scope of the breach, restore the integrity of the computer system, and in if law enforcement requests a delay in writing for the purposes of an investigation. | 1/1/2007 | Written, telephone, or electronic notice consistent with 115 U.S.C Sec 7002 | If the cost of providing notice would exceed \$5,000, the class of affected persons to be notified exceeds \$5,000 or the person or business does not have sufficient contact information. Substitute notice consists of web site posting or notification of statewide media | A financial institution that is subject to The Federal Interagency Guidance Response Programs for Unauthorized Access to Consumer Information and Customer Notice, issued on March 7, 2005, by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision; or Final Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice, issued on April 14, 2005, by the National Credit Union Administration is exempted. |

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| Washington 2005 SB 6043 | Individual's first name, first initial and last name in combination with any one or more of the following data elements when the data elements are not encrypted: Social security number, driver's license number or identification number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account. | | The notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. | 7/24/2005 | Written or electronic | If the cost of providing notice would exceed \$250,000, the class of affected persons to be notified exceeds \$500,000 or the person or business does not have sufficient contact information. Substitute notice consists of e-mail, web site posting, statewide media | |

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| Wisconsin §895.507 (2006 SB 164) | Individual's first name, first initial and last name in combination with any one or more of the following data elements: Social security number, driver's license number or identification number, account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account, deoxyribonucleic acid profile, as defined in s. 939.74 (2d) (a), or biometric data | Notification is not required if "the acquisition of personal information does not create a material risk of identity theft or fraud to the subject of the personal information" or if the information was acquired in good faith by an employee and used for lawful purposes. | Within 45 days of discovery of the unauthorized acquisition of personal information. Delay is required at the request of law enforcement for purposes of investigations and issues of national security. | upon publication | Mail, or a method previously used to communicate with an individual | | Regulated entities |

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| Wyoming Section 1. W.S. 40-12-501 through W.S. 40-12-509 | Individual's first name, first initial and last name in combination with any one or more of the following data elements: Social security number, driver's license/state ID number state or federal ID card; tribal ID card; number; account number; credit card number, or debit card number, in combination with any required security/access code or password. Violators are subject to civil liability of up to \$5,000 plus damages per violation. | If an investigation determines that the misuse of personal identifying information about a Wyoming resident has occurred or is reasonably likely to occur. | In the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. | 7/1/2007 | Written or electronic | That the cost of providing notice would exceed \$10,000.00 for Wyoming-based persons or businesses, and \$250,000.00 for all other businesses operating but not based in Wyoming or the affected class of subject persons to be notified exceeds 10,000 for Wyoming-based persons or businesses and 500,000 for all other businesses operating but not based in Wyoming; or the person does not have sufficient | Any financial institution that maintains notification procedures subject to the requirements of 15 U.S.C. 6801(b)(3) and 12 C.F.R. Part 364 Appendix B or Part 748 Appendix B, is deemed to be in compliance. |