

**DAVIS WRIGHT TREMAINE LLP**

**Anne Shelby, Esq.**  
 (206) 757-8183  
 anneshelby@dwt.com

**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
1	Alabama						The bill introduced in 2007 did not pass.  No data breach legislation was identified at press time.
2	Alaska	N/A	H.B. 31 S.B. 21		Individual’s first name or initial and last name, address, or telephone number in combination with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account, credit or debit card number combined with security code or password that permits access to an individual’s financial account.</li> </ul> PI does not include data that is encrypted or redacted.	Any person that owns or uses PI of an AK resident.	House and Senate bills introduced 01/16/07 and still under consideration in committee in 2008.  The proposal does not include a description of the risk of harm that would trigger notification.
3	Arizona	ARIZ. REV. STAT. ANN. § 44-7501		12/31/06, amended 04/10/07.	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Financial account number, or credit or debit card number combined with any</li> </ul>	Any person that conducts business in AZ and owns or licenses computerized data that includes PI or maintains such data.  The definition of person includes natural persons, private organizations, and governmental agencies, but excludes the	Notice required if after reasonable investigation, the person determines security has been breached. Notice made in most expedient manner possible without unreasonable delay.  Substitute notice permitted if cost of notice will exceed \$50,000 or the affected class to be notified exceeds 100,000 residents.  Provides for exclusive Attorney General

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					<p>information that allows access to individual's financial account.</p> <p>Excludes data that is redacted or secured by other methods rendering data unreadable or unusable from notification obligations.</p>	<p>department of public safety, a county sheriff's department, a municipal police department, prosecution agencies, and courts.</p>	<p>enforcement.</p>
4	Arkansas	ARK. CODE ANN. §§ 4-110-101 through 4-110-108	S.B. 1167	03/31/05	<p>Individual's first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account, credit or debit card number in combination with any information that allows access to financial account;</li> <li>• Medical information.</li> </ul> <p>Encrypted or redacted information is excluded from PI.</p>	<p>Any person or business that acquires, owns, or licenses computerized data that includes PI or maintains such data of AR residents.</p> <p>Applies to any entity that maintains PI about an AR resident, whether or not it conducts business in the state.</p>	<p>Disclosure made in the most expedient time and manner possible, without reasonable delay.</p> <p>Enforced by Attorney General under ARK. CODE ANN. §§ 4-88-101 through 4-88-115.</p> <p>Any waiver is void and unenforceable.</p>
5	California	CAL. CIV. CODE §§ 1798.29, and 1798.82 through 1798.84		07/01/03	<p>Individual's first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account, credit or debit card number in combination with any information that allows access to financial account; and</li> </ul>	<p>Any person, business, or state agency that conducts business in CA and owns or licenses computerized data that includes PI or maintains such data.</p>	<p>Notification of breach if it is determined that PI has been or will be misused.</p> <p>Substitute notice permitted if affected class of persons to be notified exceeds 500,000 or cost of notice would exceed \$250,000, or entity does not have sufficient contact information.</p> <p>Waiver of this provision is void and unenforceable.</p> <p>S.B. 364 passed the Senate on 01/30/08.</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					<ul style="list-style-type: none"> <li>Medical information or health insurance information (as of 01/01/08).</li> </ul> Encrypted information is excluded from PI.		The bill would amend the law to require notification of breach to the Office of Information Security and Privacy Protection (OISPP); notices to be in “plain language” and include certain specific information; and submission of sample electronic notices to the OISPP.  A.B. 1779 was introduced 01/15/08 and would amend the law to require notification of the California Office of Privacy Protection if certain substitute notice is used.
6	Colorado	COLO. REV. STAT. § 6-1-716	H.B. 06-1119	09/01/06	Colorado resident’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver’s license or state ID number;</li> <li>Account, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Data that is redacted or secured by other methods that renders information unreadable or unusable is excluded from PI.	Any individual or commercial entity that conducts business in CO and owns or licenses computerized data that includes PI or maintains such data.  “Commercial entity” means any private legal entity, whether for-profit or not-for-profit.	Conduct, in good faith, a prompt investigation to determine likelihood that PI has been or will be misused and give notice as soon as possible to the affected CO resident.  Notice may be written, telephonic, or electronic.  Substitute notice (email notice, conspicuous posting on website, and notification to major statewide media) can be employed if the cost of providing notice would exceed \$250,000 or 200,000 CO residents would have to be individually notified.
7	Connecticut	CONN. GEN. STAT. § 36A-701(b) (Public Act No. 05-14)	S.B. 650	01/01/06	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver’s license or state ID number;</li> </ul>	Any person that conducts business in CT and owns or licenses computerized data that includes PI or maintains such data.	Failure to comply constitutes an unfair trade practice under CONN. GEN. STAT. § 42-110b, and shall be enforced by Attorney General. Substitute notice permitted if cost of notice will exceed \$250,000 or the affected class to

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					<ul style="list-style-type: none"> <li>Account, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> <p>Does not include information that has encrypted or secured by another method or technology that renders the PI unreadable or unusable.</p>		be notified exceeds 500,000 residents.
8	Delaware	DEL. CODE ANN. tit. 6, §§ 12B-101 through 12B-104	H.B. 116	06/28/05	<p>Delaware resident’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver’s license or state ID number;</li> <li>Account, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> <p>Encrypted information is excluded from PI.</p>	<p>Any individual or commercial entity that conducts business in DE and owns or licenses computerized data that includes PI or maintains such data.</p> <p>“Commercial entity” includes corporations, business trusts, estates, trusts, partnerships, limited partnerships, LLPs, LLCs, associations, organizations, joint ventures, governments, governmental subdivisions, agencies, or instrumentalities, or any other legal entity, whether for-profit or not-for-profit.</p>	<p>Notification is not required, if after investigation, breach will not likely result in harm to individuals whose PI has been acquired or accessed.</p> <p>Substitute notice permitted if cost of notice will exceed \$75,000 or the affected class to be notified exceeds 100,000 residents.</p>
9	Florida	FLA. STAT. § 817.5681	H.B. 481	07/01/05	<p>Individual’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver’s license or state ID number;</li> <li>Account, credit or debit</li> </ul>	<p>Any person that conducts business in FL and owns or licenses computerized data that includes PI or maintains such data.</p>	<p>If a business or person owns data, notice must be made within 45 days following the determination of the breach unless otherwise provided in the statute. Any person required to give notice but fails to do so within 45 days is subject to an</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					card number in combination with any information that allows access to financial account. Encrypted information is excluded from PI.		administrative fine not to exceed \$500,000.  If a business or person licenses or maintains data, it must disclose breach to owner within 10 days or is liable for administrative fines not to exceed \$500,000.  Governmental agencies are exempt from administrative fines.  Substitute notice permitted if cost of notice will exceed \$255,000 or the affected class to be notified exceeds 500,000 residents.
10	Georgia	GA. CODE ANN. §§ 10-1-910 through 10-1-912	S.B. 230	05/05/05	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account, credit or debit card number, if circumstances exist that the number could be used without any additional identifying information, access codes, or passwords;</li> <li>• Account passwords or personal identification numbers or other access codes;</li> <li>• Any of the previous items when not connected with first name or initial and last name if the information would be sufficient to</li> </ul>	Applies to “information brokers” or “data collectors” that own or license computerized data that includes PI or a person or business who maintains such data on behalf of Information Broker.  “Information broker” means any person or entity who engages in the business of collecting, assembling, evaluating, compiling, reporting, transmitting, transferring, or communicating information concerning individuals for the primary purpose of furnishing personal information to third parties, but does not include governmental agencies.  “Data collector” means any state or local agency or subdivision thereof, but does not include any	Notification must be made in the most expedient time possible and without reasonable delay.  Provides for substitute notice if the information broker demonstrates costs would exceed \$50,000 or the affected class exceeds 100,000 individuals.  Any person that maintains, but does not own, computerized data on behalf of an information broker or data collector that includes PI shall notify it of any breach within 24 hours following discovery if the PI was, or is reasonably believed to have been acquired by an unauthorized person.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					perform or attempt identity theft against the person whose information was compromised. Allows access to account. Encrypted information is excluded from PI.	governmental agency whose records are maintained primarily for traffic safety, law enforcement, or licensing purposes or for purposes of providing public access to court records or to real/personal property information.	
11	Hawaii	HAW. REV. STAT. §§ 487N-1, N-2	S.B. 2290	01/01/07	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Encrypted information is excluded from PI.	Any business that owns or licenses PI of HI residents, or any business that conducts business in HI that owns or licenses PI in any form (computerized, paper, or otherwise).  Any business located in HI or any business that conducts business in HI that maintains or possesses records or data containing PI.  Any government agency that collects PI for specific government purposes.	Notice can be provided as written notice, email notice, or telephonic notice and must include: incident in general terms, type of PI that was subject to the unauthorized access, general acts of the business or agency to protect the PI from further unauthorized access, telephone number that person may call for further information and assistance, advice that directs person to remain vigilant by reviewing account statements and monitoring free credit reports.  Substitute notice (email notice, conspicuous posting on website, and notification to major statewide media) if the cost of providing individual notice would exceed \$100,000 or the number of people who have to be notified would exceed 200,000.
12	Idaho	IDAHO CODE ANN. §§ 28-51-104 to 28-51-107	S.B. 1374	07/01/06	Idaho resident’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account, credit or debit</li> </ul>	Any agency, individual, or commercial entity that conducts business in ID and owns or licenses computerized data that includes PI about ID residents, or that maintains computerized data that includes PI.	Must conduct in good faith a reasonable and prompt investigation to determine the likelihood that PI has been or will be misused. If investigation determines that the misuse has occurred or is reasonably likely to occur, the agency, individual, or the commercial entity shall give notice as soon

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					card number in combination with any information that allows access to financial account. Encrypted information is excluded from PI.		as possible to the ID resident. Substitute notice if costs of notice exceed \$25,000 or if more than 50,000 individuals would have to be notified.  Provides for a penalty of \$25,000 to any agency, individual, or commercial entity that intentionally fails to give notice in accordance with the statute.
13	Illinois	815 ILL. COMP. STAT. 530/1 to 530/30	H.B. 1633	01/01/06 06/27/06 (for state agencies)	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Encrypted or redacted information is excluded from PI.	Any “data collector” that owns or licenses PI or maintains computerized data that includes PI.  Any state agency that collects PI concerning an IL resident.  “Data collector” includes, without limitation, government agencies, public and private universities, corporations, financial institutions, retail operators, and any other entity that handles, collects, disseminates, or otherwise deals with nonpublic PI.	A waiver of the statute’s provisions is void and unenforceable.  Substitute notice if costs of notice exceed \$250,000 or if more than 500,000 individuals would have to be notified.  Any state agency that collects personal data, and has a breach of security of the system data or written material, shall submit a report within 5 days of the discovery or notification of the breach to the General Assembly.
14	Indiana	IND. CODE §§ 24-4.9-1 to 4.9-3  IND. CODE §§ 4-1-11-1 to 4-1-11-10 (for state	H.B. 1101	07/01/06	PI means: SSN that is not encrypted or redacted or individuals first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• Driver’s license number;</li> <li>• State ID number;</li> </ul>	Data base owners that own or license computerized data that includes PI.  Any person that maintains computerized data but is not a data base owner shall notify the data base owner if the person discovers that PI was or may	After discovering or being notified of a breach, the data base owner shall disclose breach to IN resident whose unencrypted PI was or may have been acquired by an unauthorized person; or encrypted PI was or may have been acquired by an unauthorized person with access to the encryption key; if acquisition resulted in or could result in

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
		agencies)			<ul style="list-style-type: none"> <li>Credit card number;</li> <li>Financial account number or debit card number combined with security code, password, or access code that would permit access to the person's account.</li> </ul>	<p>have been acquired by an unauthorized person.</p> <p>"Data base owner" means a person that owns or licenses computerized data that includes PI.</p> <p>"Person" includes individual, corporation, or other legal entity doing business in IN.</p>	<p>identity deception, identity theft, or fraud.</p> <p>Substitute notice if costs of notice exceed \$250,000 or if more than 500,000 individuals would have to be notified.</p> <p>Provides for enforcement by the Attorney General. Attorney General may seek injunctive relief, penalties up to \$150,000 per violation, and costs and expenses of investigation and suit.</p> <p>Amendment proposed 01/10/08 would require notification of Attorney General and data base owner's regulator, if any. Attorney General would be required to post on its website information about each reported data breach. The amendment also would change notification rules for instances of portable device thefts. If passed, it would be effective 07/1/08.</p>
15	Iowa						The bill proposed in 2007 did not pass. No data breach legislation was identified at press time.
16	Kansas	KAN. STAT. ANN. 50-7a01, 50-7a02	S.B. 196	07/01/06	<p>Consumer's first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver's license or state ID number;</li> <li>Account number, credit or debit card number in combination with any information that allows</li> </ul>	Any person that conducts business in KS, or any government, governmental subdivision or agency that owns or licenses computerized data that includes PI, or any individual or commercial entity that maintains such data.	<p>Substitute notice if costs of notice exceed \$100,000 or if more than 5,000 individuals would have to be notified, or the individual or commercial entity does not have sufficient contact information to provide notice.</p> <p>Enforcement by the Attorney General except as to insurance companies. For violations by any insurance company licensed to do business in the state, the</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					access to financial account. Encrypted or redacted information is excluded from PI.		insurance commissioner has exclusive enforcement authority.
17	Kentucky	N/A					The bill proposed in 2007 did not pass. No data breach legislation was identified at press time.
18	Louisiana	LA. REV. STAT. ANN. §§ 51:3071 through 51:3077	S.B. 205	01/01/06	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Encrypted or redacted information is excluded from PI.	Any person that conducts business in LA or owns or licenses computerized data that includes PI, or any person or agency that maintains such data.  “Person” means any individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or any other legal entity.	Substitute notice if costs of notice exceed \$250,000 or if more than 500,000 individuals would have to be notified, or the agency or person does not have sufficient contact information.  Notification is not required if after a reasonable investigation the person or business determines that there is no reasonable likelihood of harm to customers.  A financial institution that is subject to compliance with the Federal Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice is deemed to be in compliance with the statute.
19	Maine	ME. REV. STAT. ANN. tit. 10 §§ 1346 through 1349.	L.D. 1671 (L.D. 2017 revises 1671)  H.P. 1180	01/31/06	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Drivers license or state ID number;</li> <li>• Account number, credit or debit card number if circumstances exist that such number could be used</li> </ul>	Any “information broker” or person that maintains computerized data that includes PI.  “Information broker” means a person who engages in the business of collecting, assembling, evaluating, compiling, reporting, transmitting, transferring or	Substitute notice if costs of notice exceed \$5,000 or if more than 1,000 affected individuals would have to be notified.  Person that complies with the federal security breach notification requirements is deemed to be in compliance with the requirements of the statute.  Enforced by the Department of Professional and Financial Regulation.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					<p>without additional identifying information, access codes or passwords;</p> <ul style="list-style-type: none"> <li>• Account passwords or personal identification number or other access codes; or</li> <li>• Any of the previous information not in connection with first name or initial and last name if the information is sufficient to permit a person to commit or attempt to commit identity theft.</li> </ul> <p>Encrypted or redacted information is excluded from PI.</p>	<p>communicating information concerning individuals for the primary purpose of furnishing PI to third parties.</p> <p>Excludes governmental agency holding information primarily for traffic safety, law enforcement, or licensing purposes.</p>	<p>Provides for civil penalties including a fine of not more than \$55 per violation, up to a maximum of \$2,500 for each day the person is in violation; equitable relief; or injunctive relief.</p>
20	Maryland	MD. CODE ANN., COM. LAW § 14-3501 to 3508	H.B. 208 S.B. 194	01/01/08	<p>Individual’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to financial account;</li> <li>• An individual tax ID number.</li> </ul> <p>Excludes information that is encrypted, redacted, or otherwise protected by another method that renders information</p>	<p>A business that owns or licenses PI of individual residents of MD or maintains such data.</p>	<p>After investigation, if business concludes that notification is not required under the statute, the business must maintain records that reflect its determination for three years after the determination is made.</p> <p>Substitute notice available if costs of notice exceed \$100,000 or the affected individuals to be notified exceeds 175,000.</p> <p>Provisions of this subtitle are exclusive and preempt any provision of local law.</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					unreadable or unusable.		
21	Massachusetts	MASS. GEN. LAWS ch. 93H, § 1 through 6	H.B. 4144	02/03/08	Resident's first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account, credit or debit card number, with or without any required security code, access code, PIN or password, that would permit access to a resident's financial account.</li> </ul>	Any person or agency that owns or licenses data, or any person or agency that maintains or stores such data.  Persons include businesses, and agencies include government entities.	Notice must be given to the state Attorney General and the Director of Consumer Affairs and Business Regulation.  If personal information is lost or acquired by an unauthorized person or used for an unauthorized purpose, the law requires notice regardless of whether there is a likelihood of harm.  Allows substitute notice if affects more than 500,000 people or would cost more than \$250,000.
22	Michigan	MICH COMP. LAWS § 445.61, 445.63, 445.72	S.B. 309 (Public Act 566)	06/29/07	Individual's first name or initial and last name combined with one of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Demand deposit or financial account number, credit or debit card number in combination with any information that allows access to a financial account.</li> </ul>	Any person or agency that owns or licenses data, or any person or business that maintains such data.	No notice required if it is determined that security breach has not or is not likely to cause substantial loss or injury.  Substitute notice permitted if affected class to be notified exceeds 500,000 people or notification costs would exceed \$250,000.  Provides for a penalty if a person knowingly fails to provide notice required by statute of not more than \$250 for each failure to provide such notice with a cap of \$750,000 per security breach.  Two proposed amendments, S.B. 945 and 703, have been referred to committee and are pending in 2008.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
23	Minnesota	MINN. STAT § 325E.61; § 609.891	H.F. 2121 S.F. 2118	01/01/06	Individual's first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Excludes information that is encrypted or secured by any method of technology that makes electronic data unreadable or unusable.	Any person or business that conducts business in MN and owns or licenses data that includes PI, or any person or business that maintains such data.	Substitute notice permitted if affected class to be notified exceeds 500,000 people, or notification costs would exceed \$250,000, or the person or business does not have sufficient contact information.  Notice to consumer reporting agencies within 48 hours if the affected number of persons exceeds 500 at one time.  A waiver of the provision is void and unenforceable.  The Attorney General and individuals injured by a violation may seek enforcement under MINN. STAT. § 8.31.
24	Mississippi	N/A					The bill introduced in 2007 did not pass.  No data breach legislation was identified at press time.
25	Missouri	H.B. 1635		Proposed effective date is 08/28/08	Individual's first name or first initial and last name combined with any one or more of the following, when either the name or the data elements are not encrypted: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license, number;</li> <li>• Account number, credit or debit card number, in combination with any required security or access code, or password permitting access to</li> </ul>	Any person or business that conducts business in MO and owns or licenses computerized data that includes personal information.	Introduced 01/1/4/08.  Any waiver or consent required to do business with a financial institution shall not be deemed consent of the customer for the purposes of the proposed legislation.  Notice must be made if the information was, or was reasonably believed to have been, acquired by an unauthorized person. Notice must be as expedient as possible, but no more than 30 days after breach has been discovered.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					<p>individual’s financial account.</p> <p>Does not include lawful publicly available information</p>		
26	Montana	MONT. CODE ANN. §§ 30-14-1701 to 1704	H.B. 732 H.B. 789 (amended PI to include tribal ID number.)	03/01/06	<p>Individual’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license, state ID card number, or tribal ID card number;</li> <li>• Account number, credit or debit card number in combination with any information that would permit access to an individual’s financial account.</li> </ul> <p>Encrypted information is excluded from PI. PI defined more expansively for records destruction provisions.</p>	Any individual or business that conducts business in MT and owns or licenses computerized data that includes PI, or any person or business that maintains such data.	<p>Provides for a private right of action and action by the Attorney General or county attorney.</p> <p>Any violation constitutes an unlawful practice under the Consumer Protection Act (MONT. CODE ANN. § 30-14-103), and is subject to the penalties provided by § 30-14-142. Unlawful violations may also be restrained by temporary or permanent injunction, or temporary restraining order.</p> <p>Substitute notice permitted if costs of notification will exceed \$250,000 or affects more than 500,000 people, or the person or business does not have sufficient contact information.</p>
27	Nebraska	NEB. REV. STAT. §§ 87-801 to 87-807	L.B. 876	07/14/06	<p>Nebraska resident’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows</li> </ul>	<p>Any individual or commercial entity that conducts business in NE and owns or licenses computerized data that includes PI, or any person or business that maintains such data.</p> <p>“Commercial entity” includes a corporation, business trust, estate, trust, partnership, limited partnership, LLP, LLC,</p>	<p>Substitute notice if costs of notification will exceed \$75,000 or the affected class exceeds 100,000 residents. For small businesses with 10 employees or less, substitute notice permitted if costs of notification exceed \$10,000.</p> <p>Telephonic notice is available.</p> <p>Provides for enforcement by the Attorney General, who has the power to issue subpoenas and seek and recover direct</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					<p>access to a resident’s financial account;</p> <ul style="list-style-type: none"> <li>• Unique electronic identification number or routing code combined with any required security code, access code, or password;</li> <li>• Unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation.</li> </ul> <p>Excludes redacted information or otherwise unreadable or unusable information from notification obligations.</p>	<p>association, organization, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal entity, whether for-profit or not-for-profit.</p>	<p>economic damages for each affected Nebraska resident.</p> <p>A waiver of the provision is void and unenforceable.</p>
28	Nevada	NEV. REV. STAT. §§ 603A.010 to 920	S.B. 347	01/01/06	<p>Natural person’s first name or initial and last name combined with one of the following:</p> <ul style="list-style-type: none"> <li>• SSN (last four numbers of SSN does not qualify as PI);</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to the person’s financial account.</li> </ul> <p>Encrypted information is excluded from PI.</p>	<p>Any data collector that owns or licenses computerized data that includes PI or maintains such computerized data.</p> <p>“Data collector” means any governmental agency, institution of higher education, corporation, financial institution or retail operator or any other type of business entity or association that handles, collects, disseminates or otherwise deals with nonpublic PI.</p>	<p>Substitute notice permitted if costs of notification will exceed \$250,000 or affects more than 500,000 people or the data collector does not have sufficient contact information.</p> <p>Data collector must notify consumer reporting agencies if more than 1,000 persons are affected at one time.</p> <p>Effective 10/01/08, Chapter 597 of the Nevada Revised Statutes will prohibit a business in the state from transferring a customer’s personal information through electronic transmission other than a facsimile to a person outside the secure system of the business unless the business uses encryption.</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
29	New Hampshire	N.H. REV. STAT. ANN. § 359-C:19 to 21	H.B. 1660	01/01/07	Individual's first name or initial and last name combined with one of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Drivers license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to the person's financial account.</li> </ul> Encrypted information is excluded from PI.	Any person that conducts business in NH or owns or licenses computerized data that includes PI or maintains such computerized data.	<p>Notice must, at a minimum, include: description of the incident in general terms; approximate date of breach; type of PI obtained as a result of the security breach; and telephonic contact information of the person subject to this section.</p> <p>If required to notify more than 1,000 consumers of a breach of security, must also notify all consumer reporting agencies.</p> <p>Telephonic notice is available but requires a log of each notification be kept by the person or business who notifies affected persons.</p> <p>Substitute notice permitted if costs would exceed \$5,000 and affected class exceeds 1,000.</p> <p>Person engaged in trade or commerce must notify the regulator having primary regulatory authority over such trade or commerce, all others notify the NH Attorney General's office.</p>
30	New Jersey	N.J. STAT. ANN. § 56:8-161 to 163	A 4001/ S.B. 2665	01/01/06	Individual's first name or initial and last name combined with one of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to the person's</li> </ul>	Any business that conducts business in NJ, or any public entity that compiles or maintains computerized records that includes PI, or any business or public entity that compiles or maintains such data.	<p>Substitute notice permitted if costs of notification will exceed \$250,000 or affects more than 500,000 people or the business or public entity does not have sufficient contact information.</p> <p>Requires reporting to State Police before notifying customers.</p> <p>Contains data destruction provisions.</p> <p>If required to notify more than 1,000 consumers of a breach of security, must also</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					financial account. Includes “dissociated data” that, if linked, would constitute PI if the means to link the dissociated data were accessed in connection with access to the dissociated data.		notify all consumer reporting agencies.
31	New Mexico	N/A					No New Mexico data breach legislation was identified.
32	New York	N. Y. STATE TECH LAW § 208 (applies to state agencies)  N. Y. GEN. BUS. LAW § 899-aa (applies to businesses)	A.B. 4254	12/08/05	PI means any information concerning a natural person which, because of name, number, personal mark, or other identifier can be used to identify such natural person, combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or ID card number;</li> <li>• Account number, credit or debit card number in combination with any required information that would permit access to an individual’s financial account.</li> </ul> Encrypted data is excluded unless the encryption key has also been compromised.	Any person or business that conducts business in NY and owns or licenses computerized data that includes PI, or any person or business that maintains such data.  Any state entity that owns or licenses or maintains computerized data that includes PI.	Electronic notice permitted only if recipient gave express consent to its receipt and a log for each notification is kept.  Telephonic notification is available only if a log of such notification is kept.  Substitute notice permitted if costs of notification will exceed \$250,000 or affects more than 500,000 people, or the business does not have sufficient contact information.  The Attorney General, consumer protection board, and state office of cyber security must be notified if any NY residents are notified.  In the event that 5,000 NY residents are to be notified at one time, the person or business shall notify consumer reporting agencies.  A.B.4622 (identical to S.B. 5419) was referred to committee 01/09/08. The bill applies to both the Tech. and Bus. laws and would modify the definition of private information to include data publicly

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
							available from government; expand the use of e-mail notification; require state agencies to notify out-of-state residents; require notices to include credit bureau contact information; and make technical changes to the laws.
33	North Carolina	N.C. GEN. STAT. § 75-65  N.C. GEN. STAT. § 132-1.10 (expands security breach laws to government agencies).	S.B. 1048  S.B. 1248	12/01/05  08/01/06 (for govt. agencies)	Person’s first name or initial and last name combined with “identifying information” as defined in G.S. 14-113.20(b), including: <ul style="list-style-type: none"> <li>• SSN or employer taxpayer ID numbers;</li> <li>• Driver’s license, state ID, or passport numbers;</li> <li>• Checking account numbers;</li> <li>• Savings account numbers;</li> <li>• Credit card numbers;</li> <li>• Debit card numbers;</li> <li>• Personal identification (PIN) code;</li> <li>• Digital signatures;</li> <li>• Any other numbers or information that can be used to access a person’s financial resources;</li> <li>• Biometric data;</li> <li>• Fingerprints;</li> <li>• Passwords that permit access to a person’s financial account or resources.</li> </ul>	Any business that maintains or otherwise possesses PI of NC residents or any business that conducts business in NC that maintains or otherwise possesses PI of consumers in any form.	Applies to all information, whether computerized, paper, or otherwise.  Notice shall include: incident in general terms; type of PI that was subject to the unauthorized access and acquisition; general acts of the business to protect the PI from further unauthorized access; telephone number that the person may call for further information and assistance; and advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.  If notice to more than 1,000 persons at one time, the business must notify 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.  Substitute notice is permitted when costs of notice exceed \$250,000 or affected class exceeds 500,000 individuals.  A waiver of the provision is void and unenforceable. Causes of action arising under this statute may not be assigned.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
34	North Dakota	N.D. CENT. CODE §§ 51-30-01 to 51-30-07.	S.B. 2251	06/01/05	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license number;</li> <li>• Non-driver color photo ID number;</li> <li>• Financial institution account, credit or debit card number in combination with any information that allows access to financial accounts;</li> <li>• Individual’s date of birth;</li> <li>• Maiden name of the individual’s mother;</li> <li>• ID number assigned by the individual’s employer;</li> <li>• Individual’s digitized or other electronic signature.</li> </ul>	Any person that conducts business in ND, and owns or licenses computerized data that includes PI or maintains such computerized data.	Substitute notice is permitted when costs of notice exceed \$250,000 or affected class exceeds 500,000 individuals or the person does not have sufficient contact information.  Attorney General enforcement, with no express right of private action. Attorney General may seek all the remedies in chapter 51-15. These remedies, duties, prohibitions and penalties exist in addition to all others provided by the law.
35	Ohio	OHIO REV. CODE ANN. § 1349.19	H.B. 104 (amended by S.B. 126)	02/17/06	Individual’s first name or initial and last name combined with and linked to any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to an individual’s financial account.</li> </ul>	Any person that owns or licenses computerized data that includes PI, or maintains such computerized data.  “Person” only includes a business entity if the business entity conducts business in the state.	Disclosure must be made in the most expedient time possible but not later than 45 days following discovery or notification of the breach.  The Attorney General may conduct an investigation and bring a civil action upon an alleged failure by a person to comply with the requirements of this section.  Substitute notice permitted if costs to notify exceed \$250,000 or affected class exceeds 500,000 persons. For a business with 10 employees or less, substitute notice is

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					Excludes information redacted or altered by any method or technology in such a manner that the data elements are unreadable.		permitted if costs of notification exceed \$10,000.  A waiver of the provision is void and unenforceable.  Any financial institution, trust company, or credit union, or any affiliate of such that is required by federal law to notify its customers of an information security breach, and that is subject to examination by its functional regulator for compliance with such law, is exempt.
36	Oklahoma	OKLA. STAT. tit. 74, § 3113.1	H.B. 2357	06/08/06	Individual's first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to the person's financial account.</li> </ul> Encrypted information is excluded from PI.	Any state agency, board, commission or other unit or subdivision of state government that owns or licenses computerized data that includes PI or maintains such data.	Substitute notice permitted if costs to notify exceed \$250,000 or affected class exceeds 500,000 persons.
37	Oregon	Not yet codified	H.B. 2442/ S.B. 583	10/01/07	Consumer's first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Drivers license or state ID number;</li> <li>• Passport or other U.S.-</li> </ul>	Any person that owns, maintains or otherwise possesses data that includes a consumer's PI.	Telephonic notice available if the contact is made directly to the affected consumer.  Provides for substitute notice if costs would exceed \$250,000, the affected persons exceed 350,000, or if the person does not have sufficient contact information to

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					<p>issued ID number;</p> <ul style="list-style-type: none"> <li>Financial account number, credit or debit card number combined with any information that would permit access to a consumer's financial account.</li> </ul> <p>Information that is encrypted, redacted, or secured by other methods that render the information unusable is excluded from PI.</p>		<p>provide notice.</p> <p>If more than 1,000 consumers are affected at one time, the person must notify consumer reporting agencies.</p>
38	Pennsylvania	73 PA. STAT. § 2303	S.B 712	06/20/06	<p>Individual's first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver's license or state ID number;</li> <li>Financial account number, credit or debit card number combined with any information that would permit access to a consumer's financial account.</li> </ul> <p>Encrypted or redacted information is excluded from PI.</p>	Any entity or vendor that maintains, stores, or manages computerized data that includes PI.	<p>Must provide notice if encrypted information is accessed and acquired in an unencrypted form.</p> <p>Substitute notice permitted if cost of notification exceeds \$100,000, the affected class exceeds 175,000, or the entity does not have sufficient contact information.</p>
39	Rhode Island	R.I. GEN. LAWS §§ 11-49.2-1 to 11-49.2-9.	H.B. 6191	03/01/06	<p>Individual's first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver's license or state ID number;</li> </ul>	<p>Any state agency or person that owns, maintains or licenses computerized data that includes PI or maintains such data.</p> <p>"Person" includes any</p>	<p>Only breaches that pose "a significant risk of identity theft" require notification.</p> <p>A waiver of the provision is void and unenforceable.</p> <p>Substitute notice allowed if costs of</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					<ul style="list-style-type: none"> <li>Account number, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Encrypted information is excluded from PI.	individual, partnership association, corporation, or joint venture.	providing notice would exceed \$25,000 or affected class of individuals to be notified exceeds 50,000.
40	South Carolina	Not yet codified	H.B. 3035 S.B. 8		"Personal identifying information" means an individual's first name or initial and last name combined with: <ul style="list-style-type: none"> <li>SSN;</li> <li>Driver's license numbers;</li> <li>Checking account numbers;</li> <li>Savings account numbers;</li> <li>Credit card numbers;</li> <li>Debit card numbers;</li> <li>Personal ID numbers;</li> <li>Electronic ID numbers;</li> <li>Digital signatures;</li> <li>Other numbers or information that may be used to access a person's financial resources;</li> <li>Identifying documentation that defines a person other than the person presenting the document (includes passports, driver's licenses, birth certificates, immigration documents, and state issued ID cards)</li> </ul>	Any person conducting business in the state owning, licensing, maintaining, or otherwise possessing personal identifying information of consumer residents. Any agency of the state owning, licensing or maintaining computerized data that includes personal identifying information.	Law takes effect July 1, 2009. Follows the normal model when it comes to standards for notification, though with some variations.  Gives the state Department of Consumer Affairs the power to assess administrative fines of \$1,000 "for each resident whose information was accessible by reason of the breach," and also allows state residents who have been injured by a violation of the notification requirement to sue for damages, an injunction, and attorneys' fees and court costs.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
41	South Dakota	N/A					No South Dakota data breach legislation was identified.
42	Tennessee	TENN. CODE ANN. § 47-18-2107	S.B. 2220	07/01/05	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to financial account.</li> </ul> Encrypted information is excluded from PI.	Any information holder, or information holder that maintains computerized data that includes PI.  “Information holder” means person or business that conducts business in TN, or any agency of the State of TN or any of its political subdivisions that owns or licenses computerized data that includes PI.	Substitute notice permitted if costs of notification would exceed \$250,000 or affected persons to be notified exceeds 500,000.  Any information holder that maintains its own notification procedures as part of an information security policy for PI, and whose plan’s timing is consistent with the timing requirements of the law, is deemed in compliance if it notifies persons in accordance with its policies in the event of a breach.  If notice to more than 1,000 persons at one time, the person must notify consumer reporting agencies and credit bureaus.
43	Texas	TEX. BUS. & COM. CODE ANN. §§ 48.002, 48.101 to 103	S.B. 122/ H.B. 1262	09/01/05	“Sensitive personal information” means individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or government-issued ID number;</li> <li>• Account number, or credit or debit card number combined with any information that permits access to an individual’s financial account.</li> </ul> Refers to PI as “sensitive PI”.	Any person that conducts business in TX and owns or licenses computerized data that includes sensitive PI or maintains such computerized data.	Requires reasonable procedures to protect and safeguard sensitive personal information.  Requires credit reporting agencies to be notified if more than 10,000 persons are affected.  Substitute notice permitted if cost of notification would exceed \$250,000 or affected persons to be notified exceeds 500,000.  Provides for civil penalties of at least \$2,000 but not more than \$50,000 for each violation.

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
44	Utah	UTAH CODE ANN. § 13-44-101 to 301	S.B. 69	01/01/07	<p>Person’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Financial account number, or credit or debit card number combined with required information that permits access to the person’s account;</li> <li>• Driver’s license or state ID number.</li> </ul> <p>PI excludes information protected by a method that renders the data unreadable or unusable.</p>	Any person who conducts business in UT and maintains PI and any person who owns or licenses computerized data that includes PI.	<p>Provides a general obligation to implement and maintain reasonable procedures to prevent unlawful use or disclosure of PI and ensure the proper destruction of PI.</p> <p>Notification can be provided by first-class mail, electronically if that is the primary way of communicating, telephone, or publishing in a newspaper of general circulation.</p> <p>If entity maintains its own notification procedures as part of information security policy for PI, the entity is in compliance with notification requirements if it notifies each affected UT resident in accordance with that policy.</p> <p>A waiver of this provision is void and unenforceable.</p>
45	Vermont	VT. STAT. tit. 9, §§ 2430 to 2445	S.B. 284	01/01/07	<p>Individual’s first name or initial and last name combined with any of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Financial account number, credit or debit card number if circumstances exist in which the number could be used without additional identifying information, access codes or passwords;</li> <li>• Account passwords or PIN numbers or other access</li> </ul>	<p>Any data collector that owns or licenses computerized data that includes PI or maintains such data.</p> <p>“Data collector” includes state agencies, political subdivisions, universities, corporations, LLCs, or any other entity that handles or collects PI.</p>	<p>Notice must include a description of the following: the incident in general terms; type of PI that was subject to the unauthorized access or acquisition; general acts of the business to protect PI from further access; a toll-free telephone number that the consumer may call for further information and assistance; advice that directs the consumer to remain vigilant by reviewing account statements and monitoring free credit reports.</p> <p>Substitute notice permitted if costs of notice would exceed \$5,000 or affected class of individuals exceeds 5,000.</p> <p>If more than 1,000 persons must be notified</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					codes from a financial account. PI excludes information redacted or protected by another method that renders the data unreadable or unusable.		at one time, credit reporting agencies must also be notified.
46	Virginia	N/A	H.B. 390 H.B. 971 H.B. 1052 S.B. 307 H.B. 1469	None proposed	Varies among bills.	H.B. 390: A state agency that owns or licenses computerized data that includes PI.  H.B. 971: A person or business that conducts business in VA and that owns or licenses computerized data that includes PI.  H.B. 1052/S.B. 307: An individual or commercial entity that conducts business in VA and that owns or licenses data that includes PI about a VA resident.  H.B. 1469: Any individual or entity that owns or licenses computerized data that includes PI of a VA resident.	H.B. 1052 and S.B. 307 are identical.  All of the bills were introduced in 01/08.
47	Washington	WASH. REV. CODE § 19.255.010	S.B. 6043	07/24/05	Individual’s first name or initial and last name combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in</li> </ul>	Any person or business that conducts business in WA and owns or licenses computerized data that includes PI.	Substitute notice permitted if notice would exceed \$250,000 or affected persons exceed 500,000.  A waiver of this provision is void and unenforceable.  Permits civil actions for damages and

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					combination with any information that allows access to financial account. Encrypted information is excluded from PI.		injunctive relief.  S.B. 5341 was reintroduced 01/14/08 and referred to committee; amendment would allow injured parties to recover the greater of actual damages or \$500.
48	West Virginia	Not yet codified	H.B. 2175		Consumer's last name, address, or phone number combined with any of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Account number, credit or debit card number if circumstances exist wherein such a number could be used without additional identifying information, access codes or passwords;</li> <li>• Account passwords or PIN numbers or other access codes;</li> <li>• Biometric data;</li> <li>• Any items previously listed not in connection with the consumer's last name if information comprised would be sufficient to perform or attempt identity theft.</li> </ul>	Any data collector that owns or uses personal information in any form (computerized, paper, or otherwise) that includes PI.	Law takes effect June 6, 2008. Follows the normal model when it comes to standards for notification, though with some variations.  Gives the state Attorney General exclusive enforcement authority, and allows civil penalties only where "the defendant has engaged in a course of repeated and willful violations," and caps all civil penalties at \$150,000.
49	Wisconsin	WIS. STAT. § 895.507	S.B. 164	03/31/06	<b>Individual's first name</b> or initial and last name combined with and linked to any of the	Any person, other than an individual, that conducts business in WI and maintains PI	Must provide notice within a reasonable time, not to exceed 45 days, after an entity

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information (“PI”)	Covered Entities	Key Provisions/Comments
					<p>following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Financial account number, credit or debit card number, or any security code, access code, or password that would permit access to the individual’s financial account;</li> <li>• DNA profile;</li> <li>• Unique biometric data, including fingerprint, voice print, retina or iris image, or any other unique physical representation.</li> </ul> <p>Information that is encrypted, redacted or altered in a manner that renders the information unreadable is excluded from PI.</p>	<p>in the ordinary course of business, licenses PI, maintains depository accounts for WI residents, or lends money to WI residents.</p> <p>Includes state agencies.</p>	<p>learns of the acquisition of PI.</p> <p>Not required to give notice if acquisition of PI does not create a material risk of identity theft or fraud.</p> <p>Notification by mail or by a method previously used to communicate with the affected individual.</p> <p>Must notify credit reporting agencies if more than 1,000 persons are affected.</p>
50	Wyoming	WYO. STAT. ANN. § 40-12-501 to 509	S.F. 53	07/01/07	<p>“Personal identifying information” means first name or initial and last name combined with one of the following:</p> <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver’s license or state ID number;</li> <li>• Account number, credit or debit card number in combination with any information that allows access to financial account;</li> </ul>	<p>An individual or commercial entity that conducts business in WY and that owns or licenses, or maintains computerized data that includes PI of a resident of WY.</p>	<p>Notice shall include a toll-free number that the individual may use to contact the person or his agent collecting the data, and toll-free contact telephone numbers and addresses for the major credit card reporting agencies.</p> <p>Substitute notice permitted if cost of notice would exceed \$10,000 for WY-based persons or businesses and \$250,000 for all other businesses operating but not based in WY, or affected persons to be notified exceeds 10,000 WY-based persons or businesses and 500,000 other persons or</p>

**DAVIS WRIGHT TREMAINE LLP**  
**STATUS OF DATA BREACH NOTIFICATION STATUTES IN THE 50 STATES AND WASHINGTON D.C.**

Tab	State	Statute	Legislative Reference	Effective Date	Definition of Personal Information ("PI")	Covered Entities	Key Provisions/Comments
					<ul style="list-style-type: none"> <li>• Tribal identification card;</li> <li>• Federal or state government issued identification card</li> </ul> Redacted information is excluded.		businesses operating but not based in WY.
51	Washington DC	D.C. Code Ann. § 28-3851 to 3853	B16-810	03/08/07	Any number or code or combination of numbers or codes, such as account number, security code, access code, or password, that allows access to or use of an individual's financial or credit account or an individual's first name or initial and last name, or phone number, or address, and any one of the following: <ul style="list-style-type: none"> <li>• SSN;</li> <li>• Driver's license or state ID number;</li> <li>• Credit card number or debit card number.</li> </ul>	Any person or business that conducts business in DC and owns or licenses computerized or other electronic data that includes PI or maintains such data.	Substitute notice permitted if notice would exceed \$50,000 or affected persons to be notified exceeds 100,000.  Permits civil action to recover actual damages, the costs of the suit, and reasonable attorney's fees.