

# **information security breach and notification act, 2005 N.Y. A.N. 4254**

Enacted, August 9, 2005

## **Reporter**

2005 N.Y. ALS 442; 2005 N.Y. LAWS 442; 2005 N.Y. A.N. 4254

**NEW YORK ADVANCE LEGISLATIVE SERVICE > NEW YORK 228TH ANNUAL LEGISLATIVE SESSION > CHAPTER 442 > ASSEMBLY BILL 4254**

## **Notice**

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 [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

## **Synopsis**

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AN ACT to amend the state technology law and the general business law, in relation to enacting the "information security breach and notification act"

## **Text**

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*THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:*

Section 1. Short title. This act shall be known and may be cited as the "information security breach and notification act".

Section 2. Legislative Intent. The legislature finds that identity theft and security breaches have affected thousands statewide and millions of people nationwide. The legislature also finds that affected persons are hindered by a lack of information regarding breaches, and that the impact of exposing information that should be held private can be farreaching. In addition, the Legislature finds that state residents deserve a right to know when they have been exposed to identity theft. The legislature further finds that affected state residents deserve an advocate who can speak and take action on their behalf because recovering from identity theft can, and sometimes does, take many years.

Therefore, the legislature enacts the information security breach and notification act which will guarantee state residents the right to know what information was exposed during a breach, so that they can take the necessary steps to both prevent and repair any damage they may incur because of a public or private sector entity's failure to make proper notification.

Section 3. The state technology law is amended by adding a new section 208 to read as follows:

[A> SECTION 208. NOTIFICATION; PERSON WITHOUT VALID AUTHORIZATION HAS ACQUIRED PRIVATE INFORMATION. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: <A]

[A> (A) "PRIVATE INFORMATION" SHALL MEAN PERSONAL INFORMATION IN COMBINATION WITH ANY ONE OR MORE OF THE FOLLOWING DATA ELEMENTS, WHEN EITHER THE PERSONAL INFORMATION OR THE DATA ELEMENT IS NOT ENCRYPTED OR ENCRYPTED WITH AN ENCRYPTION KEY THAT HAS ALSO BEEN ACQUIRED: <A]

[A> (1) SOCIAL SECURITY NUMBER; <A]

[A> (2) DRIVER'S LICENSE NUMBER OR NON-DRIVER IDENTIFICATION CARD NUMBER; OR <A]

[A> (3) ACCOUNT NUMBER, CREDIT OR DEBIT CARD NUMBER, IN COMBINATION WITH ANY REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD WHICH WOULD PERMIT ACCESS TO AN INDIVIDUAL'S FINANCIAL ACCOUNT. <A]

[A> "PRIVATE INFORMATION" DOES NOT INCLUDE PUBLICLY AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS. <A]

[A> (B) "BREACH OF THE SECURITY OF THE SYSTEM" SHALL MEAN UNAUTHORIZED ACQUISITION OR ACQUISITION WITHOUT VALID AUTHORIZATION OF COMPUTERIZED DATA WHICH COMPROMISES THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF PERSONAL INFORMATION MAINTAINED BY A STATE ENTITY. GOOD FAITH ACQUISITION OF PERSONAL INFORMATION BY AN EMPLOYEE OR AGENT OF A STATE ENTITY FOR THE PURPOSES OF THE AGENCY IS NOT A BREACH OF THE SECURITY OF THE SYSTEM, PROVIDED THAT THE PRIVATE INFORMATION IS NOT USED OR SUBJECT TO UNAUTHORIZED DISCLOSURE. <A]

[A> (C) "STATE ENTITY" SHALL MEAN ANY STATE BOARD, BUREAU, DIVISION, COMMITTEE, COMMISSION, COUNCIL, DEPARTMENT, PUBLIC AUTHORITY, PUBLIC BENEFIT CORPORATION, OFFICE OR OTHER GOVERNMENTAL ENTITY PERFORMING A GOVERNMENTAL OR PROPRIETARY FUNCTION FOR THE STATE OF NEW YORK, EXCEPT: <A]

[A> (1) THE JUDICIARY; AND <A]

[A> (2) ALL CITIES, COUNTIES, MUNICIPALITIES, VILLAGES, TOWNS, AND OTHER LOCAL AGENCIES. <A]

[A> (D) "CONSUMER REPORTING AGENCY" SHALL MEAN ANY PERSON WHICH, FOR MONETARY FEES, DUES, OR ON A COOPERATIVE NONPROFIT BASIS, REGULARLY ENGAGES IN WHOLE OR IN PART IN THE PRACTICE OF ASSEMBLING OR EVALUATING CONSUMER CREDIT INFORMATION OR OTHER INFORMATION ON CONSUMERS FOR THE PURPOSE OF FURNISHING CONSUMER REPORTS TO THIRD PARTIES, AND WHICH USES ANY MEANS OR FACILITY OF INTERSTATE COMMERCE FOR THE PURPOSE OF PREPARING OR FURNISHING CONSUMER REPORTS. A LIST OF CONSUMER REPORTING AGENCIES SHALL BE COMPILED BY THE STATE ATTORNEY GENERAL AND FURNISHED UPON REQUEST TO STATE ENTITIES REQUIRED TO MAKE A NOTIFICATION UNDER SUBDIVISION TWO OF THIS SECTION. <A]

[A> 2. ANY STATE ENTITY THAT OWNS OR LICENSES COMPUTERIZED DATA THAT INCLUDES PRIVATE INFORMATION SHALL DISCLOSE ANY BREACH OF THE SECURITY OF THE SYSTEM FOLLOWING DISCOVERY OR NOTIFICATION OF THE BREACH IN THE SECURITY OF THE SYSTEM TO ANY RESIDENT OF NEW YORK STATE WHOSE PRIVATE INFORMATION WAS, OR IS REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY A PERSON WITHOUT VALID AUTHORIZATION. THE DISCLOSURE SHALL BE MADE IN THE MOST EXPEDIENT TIME POSSIBLE AND WITHOUT UNREASONABLE DELAY, CONSISTENT WITH THE LEGITIMATE NEEDS OF LAW ENFORCEMENT, AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, OR ANY MEASURES NECESSARY TO DETERMINE THE SCOPE OF THE BREACH AND RESTORE THE REASONABLE INTEGRITY OF THE DATA SYSTEM. <A]

[A> 3. ANY STATE ENTITY THAT MAINTAINS COMPUTERIZED DATA THAT INCLUDES PRIVATE INFORMATION WHICH SUCH AGENCY DOES NOT OWN SHALL NOTIFY THE OWNER OR LICENSEE OF

THE INFORMATION OF ANY BREACH OF THE SECURITY OF THE SYSTEM IMMEDIATELY FOLLOWING DISCOVERY, IF THE PRIVATE INFORMATION WAS, OR IS REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY A PERSON WITHOUT VALID AUTHORIZATION. <A]

[A> 4. THE NOTIFICATION REQUIRED BY THIS SECTION MAY BE DELAYED IF A LAW ENFORCEMENT AGENCY DETERMINES THAT SUCH NOTIFICATION IMPEDES A CRIMINAL INVESTIGATION. THE NOTIFICATION REQUIRED BY THIS SECTION SHALL BE MADE AFTER SUCH LAW ENFORCEMENT AGENCY DETERMINES THAT SUCH NOTIFICATION DOES NOT COMPROMISE SUCH INVESTIGATION. <A]

[A> 5. THE NOTICE REQUIRED BY THIS SECTION SHALL BE DIRECTLY PROVIDED TO THE AFFECTED PERSONS BY ONE OF THE FOLLOWING METHODS: <A]

[A> (A) WRITTEN NOTICE; <A]

[A> (B) ELECTRONIC NOTICE, PROVIDED THAT THE PERSON TO WHOM NOTICE IS REQUIRED HAS EXPRESSLY CONSENTED TO RECEIVING SAID NOTICE IN ELECTRONIC FORM AND A LOG OF EACH SUCH NOTIFICATION IS KEPT BY THE STATE ENTITY WHO NOTIFIES AFFECTED PERSONS IN SUCH FORM; PROVIDED FURTHER, HOWEVER, THAT IN NO CASE SHALL ANY PERSON OR BUSINESS REQUIRE A PERSON TO CONSENT TO ACCEPTING SAID NOTICE IN SAID FORM AS A CONDITION OF ESTABLISHING ANY BUSINESS RELATIONSHIP OR ENGAGING IN ANY TRANSACTION; <A]

[A> (C) SUBSTITUTE NOTICE, IF A STATE ENTITY DEMONSTRATES TO THE STATE ATTORNEY GENERAL THAT THE COST OF PROVIDING NOTICE WOULD EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS, OR THAT THE AFFECTED CLASS OF SUBJECT PERSONS TO BE NOTIFIED EXCEEDS FIVE HUNDRED THOUSAND, OR SUCH AGENCY DOES NOT HAVE SUFFICIENT CONTACT INFORMATION. SUBSTITUTE NOTICE SHALL CONSIST OF ALL OF THE FOLLOWING: <A]

[A> (1) E-MAIL NOTICE WHEN SUCH STATE ENTITY HAS AN E-MAIL ADDRESS FOR THE SUBJECT PERSONS; <A]

[A> (2) CONSPICUOUS POSTING OF THE NOTICE ON SUCH STATE ENTITY'S WEB SITE PAGE, IF SUCH AGENCY MAINTAINS ONE; AND <A]

[A> (3) NOTIFICATION TO MAJOR STATEWIDE MEDIA. <A]

[A> 6. REGARDLESS OF THE METHOD BY WHICH NOTICE IS PROVIDED, SUCH NOTICE SHALL INCLUDE CONTACT INFORMATION FOR THE PERSON OR BUSINESS MAKING THE NOTIFICATION AND A DESCRIPTION OF THE CATEGORIES OF INFORMATION THAT WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY A PERSON WITHOUT VALID AUTHORIZATION, INCLUDING SPECIFICATION OF WHICH OF THE ELEMENTS OF PERSONAL INFORMATION AND PRIVATE INFORMATION WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, SO ACQUIRED. <A]

[A> 7. (A) IN THE EVENT THAT ANY NEW YORK RESIDENTS ARE TO BE NOTIFIED AT ONE TIME, THE PERSON OR BUSINESS SHALL NOTIFY THE STATE ATTORNEY GENERAL, THE CONSUMER PROTECTION BOARD, AND THE STATE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION AS TO THE TIMING, CONTENT AND DISTRIBUTION OF THE NOTICES AND APPROXIMATE NUMBER OF AFFECTED PERSONS. SUCH NOTICE SHALL BE MADE WITHOUT DELAYING NOTICE TO AFFECTED NEW YORK RESIDENTS. <A]

[A> IN THE EVENT THAT MORE THAN FIVE THOUSAND NEW YORK RESIDENTS ARE TO BE NOTIFIED AT ONE TIME, THE PERSON OR BUSINESS SHALL ALSO NOTIFY CONSUMER REPORTING AGENCIES AS TO THE TIMING, CONTENT AND DISTRIBUTION OF THE NOTICES AND APPROXIMATE NUMBER OF AFFECTED PERSONS. SUCH NOTICE SHALL BE MADE WITHOUT DELAYING NOTICE TO AFFECTED NEW YORK RESIDENTS. <A]

[A> 8. ANY ENTITY LISTED IN SUBPARAGRAPH TWO OF PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION SHALL ADOPT A NOTIFICATION POLICY NO MORE THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH ENTITY MAY DEVELOP A NOTIFICATION POLICY WHICH IS CONSISTENT WITH THIS SECTION OR ALTERNATIVELY SHALL ADOPT A LOCAL LAW WHICH IS CONSISTENT WITH THIS SECTION. <A]

Section 4. The general business law is amended by adding a new article 39F to read as follows:

[A> ARTICLE 39-F <A]

[A> NOTIFICATION OF UNAUTHORIZED ACQUISITION OF PRIVATE INFORMATION <A]

[A> SECTION 899-AA. NOTIFICATION; PERSON WITHOUT VALID AUTHORIZATION HAS ACQUIRED PRIVATE INFORMATION. <A]

[A> SECTION 899-AA. NOTIFICATION; PERSON WITHOUT VALID AUTHORIZATION HAS ACQUIRED PRIVATE INFORMATION. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: <A]

[A> (A) "PERSONAL INFORMATION" SHALL MEAN ANY INFORMATION CONCERNING A NATURAL PERSON WHICH, BECAUSE OF NAME, NUMBER, PERSONAL MARK, OR OTHER IDENTIFIER, CAN BE USED TO IDENTIFY SUCH NATURAL PERSON; <A]

[A> (B) "PRIVATE INFORMATION" SHALL MEAN PERSONAL INFORMATION CONSISTING OF ANY INFORMATION IN COMBINATION WITH ANY ONE OR MORE OF THE FOLLOWING DATA ELEMENTS, WHEN EITHER THE PERSONAL INFORMATION OR THE DATA ELEMENT IS NOT ENCRYPTED, OR ENCRYPTED WITH AN ENCRYPTION KEY THAT HAS ALSO BEEN ACQUIRED: <A]

[A> (1) SOCIAL SECURITY NUMBER; <A]

[A> (2) DRIVER'S LICENSE NUMBER OR NON-DRIVER IDENTIFICATION CARD NUMBER; OR <A]

[A> (3) ACCOUNT NUMBER, 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; "PRIVATE INFORMATION" DOES NOT INCLUDE PUBLICLY AVAILABLE INFORMATION WHICH IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS. <A]

[A> (C) "BREACH OF THE SECURITY OF THE SYSTEM" SHALL MEAN UNAUTHORIZED ACQUISITION OR ACQUISITION WITHOUT VALID AUTHORIZATION OF COMPUTERIZED DATA THAT COMPROMISES THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF PERSONAL INFORMATION MAINTAINED BY A BUSINESS. GOOD FAITH ACQUISITION OF PERSONAL INFORMATION BY AN EMPLOYEE OR AGENT OF THE BUSINESS FOR THE PURPOSES OF THE BUSINESS IS NOT A BREACH OF THE SECURITY OF THE SYSTEM, PROVIDED THAT THE PRIVATE INFORMATION IS NOT USED OR SUBJECT TO UNAUTHORIZED DISCLOSURE. <A]

[A> (D) "CONSUMER REPORTING AGENCY" SHALL MEAN ANY PERSON WHICH, FOR MONETARY FEES, DUES, OR ON A COOPERATIVE NONPROFIT BASIS, REGULARLY ENGAGES IN WHOLE OR IN PART IN THE PRACTICE OF ASSEMBLING OR EVALUATING CONSUMER CREDIT INFORMATION OR OTHER INFORMATION ON CONSUMERS FOR THE PURPOSE OF FURNISHING CONSUMER REPORTS TO THIRD PARTIES, AND WHICH USES ANY MEANS OR FACILITY OF INTERSTATE COMMERCE FOR THE PURPOSE OF PREPARING OR FURNISHING CONSUMER REPORTS. A LIST OF CONSUMER REPORTING AGENCIES SHALL BE COMPILED BY THE STATE ATTORNEY GENERAL AND FURNISHED UPON REQUEST TO ANY PERSON OR BUSINESS REQUIRED TO MAKE A NOTIFICATION UNDER SUBDIVISION TWO OF THIS SECTION. <A]

[A> 2. ANY PERSON OR BUSINESS WHICH CONDUCTS BUSINESS IN NEW YORK STATE, AND WHICH OWNS OR LICENSES COMPUTERIZED DATA WHICH INCLUDES PRIVATE INFORMATION SHALL DISCLOSE ANY BREACH OF THE SECURITY OF THE SYSTEM FOLLOWING DISCOVERY OR NOTIFICATION OF THE BREACH IN THE SECURITY OF THE SYSTEM TO ANY RESIDENT OF NEW YORK STATE WHOSE PRIVATE INFORMATION WAS, OR IS REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY A PERSON WITHOUT VALID AUTHORIZATION. THE DISCLOSURE SHALL BE MADE IN THE MOST EXPEDIENT TIME POSSIBLE AND WITHOUT UNREASONABLE DELAY, CONSISTENT WITH THE LEGITIMATE NEEDS OF LAW ENFORCEMENT, AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, OR ANY MEASURES NECESSARY TO DETERMINE THE SCOPE OF THE BREACH AND RESTORE THE REASONABLE INTEGRITY OF THE SYSTEM. <A]

[A> 3. ANY PERSON OR BUSINESS WHICH MAINTAINS COMPUTERIZED DATA WHICH INCLUDES PRIVATE INFORMATION WHICH SUCH PERSON OR BUSINESS DOES NOT OWN SHALL NOTIFY THE OWNER OR LICENSEE OF THE INFORMATION OF ANY BREACH OF THE SECURITY OF THE SYSTEM IMMEDIATELY FOLLOWING DISCOVERY, IF THE PRIVATE INFORMATION WAS, OR IS REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY A PERSON WITHOUT VALID AUTHORIZATION. <A]

[A> 4. THE NOTIFICATION REQUIRED BY THIS SECTION MAY BE DELAYED IF A LAW ENFORCEMENT AGENCY DETERMINES THAT SUCH NOTIFICATION IMPEDES A CRIMINAL INVESTIGATION. THE NOTIFICATION REQUIRED BY THIS SECTION SHALL BE MADE AFTER SUCH LAW ENFORCEMENT AGENCY DETERMINES THAT SUCH NOTIFICATION DOES NOT COMPROMISE SUCH INVESTIGATION. <A]

[A> 5. THE NOTICE REQUIRED BY THIS SECTION SHALL BE DIRECTLY PROVIDED TO THE AFFECTED PERSONS BY ONE OF THE FOLLOWING METHODS: <A]

[A> (A) WRITTEN NOTICE; <A]

[A> (B) ELECTRONIC NOTICE, PROVIDED THAT THE PERSON TO WHOM NOTICE IS REQUIRED HAS EXPRESSLY CONSENTED TO RECEIVING SAID NOTICE IN ELECTRONIC FORM AND A LOG OF EACH SUCH NOTIFICATION IS KEPT BY THE PERSON OR BUSINESS WHO NOTIFIES AFFECTED PERSONS IN SUCH FORM; PROVIDED FURTHER, HOWEVER, THAT IN NO CASE SHALL ANY PERSON OR BUSINESS REQUIRE A PERSON TO CONSENT TO ACCEPTING SAID NOTICE IN SAID FORM AS A CONDITION OF ESTABLISHING ANY BUSINESS RELATIONSHIP OR ENGAGING IN ANY TRANSACTION. <A]

[A> (C) TELEPHONE NOTIFICATION PROVIDED THAT A LOG OF EACH SUCH NOTIFICATION IS KEPT BY THE PERSON OR BUSINESS WHO NOTIFIES AFFECTED PERSONS; OR <A]

[A> (D) SUBSTITUTE NOTICE, IF A BUSINESS DEMONSTRATES TO THE STATE ATTORNEY GENERAL THAT THE COST OF PROVIDING NOTICE WOULD EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS, OR THAT THE AFFECTED CLASS OF SUBJECT PERSONS TO BE NOTIFIED EXCEEDS FIVE HUNDRED THOUSAND, OR SUCH BUSINESS DOES NOT HAVE SUFFICIENT CONTACT INFORMATION. SUBSTITUTE NOTICE SHALL CONSIST OF ALL OF THE FOLLOWING: <A]

[A> (1) E-MAIL NOTICE WHEN SUCH BUSINESS HAS AN E-MAIL ADDRESS FOR THE SUBJECT PERSONS; <A]

[A> (2) CONSPICUOUS POSTING OF THE NOTICE ON SUCH BUSINESS'S WEB SITE PAGE, IF SUCH BUSINESS MAINTAINS ONE; AND <A]

[A> (3) NOTIFICATION TO MAJOR STATEWIDE MEDIA. <A]

[A> 6. (A) WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFACTORY TO HIM THAT THERE IS A VIOLATION OF THIS ARTICLE HE MAY BRING AN ACTION IN THE NAME AND ON BEHALF OF THE PEOPLE OF THE STATE OF NEW YORK, IN A COURT OF JUSTICE HAVING JURISDICTION TO ISSUE AN INJUNCTION, TO ENJOIN AND RESTRAIN THE CONTINUATION OF SUCH VIOLATION. IN

SUCH ACTION, PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES. IN SUCH ACTION THE COURT MAY AWARD DAMAGES FOR ACTUAL COSTS OR LOSSES INCURRED BY A PERSON ENTITLED TO NOTICE PURSUANT TO THIS ARTICLE, INCLUDING CONSEQUENTIAL FINANCIAL LOSSES. WHENEVER THE COURT SHALL DETERMINE IN SUCH ACTION THAT A PERSON OR BUSINESS VIOLATED THIS ARTICLE KNOWINGLY OR RECKLESSLY, THE COURT MAY IMPOSE A CIVIL PENALTY OF THE GREATER OF FIVE THOUSAND DOLLARS OR UP TO TEN DOLLARS PER INSTANCE OF FAILED NOTIFICATION, PROVIDED THAT THE LATTER AMOUNT SHALL NOT EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS. <A]

[A> (B) THE REMEDIES PROVIDED BY THIS SECTION SHALL BE IN ADDITION TO ANY OTHER LAWFUL REMEDY AVAILABLE. <A]

[A> (C) NO ACTION MAY BE BROUGHT UNDER THE PROVISIONS OF THIS SECTION UNLESS SUCH ACTION IS COMMENCED WITHIN TWO YEARS IMMEDIATELY AFTER THE DATE OF THE ACT COMPLAINED OF OR THE DATE OF DISCOVERY OF SUCH ACT. <A]

[A> 7. REGARDLESS OF THE METHOD BY WHICH NOTICE IS PROVIDED, SUCH NOTICE SHALL INCLUDE CONTACT INFORMATION FOR THE PERSON OR BUSINESS MAKING THE NOTIFICATION AND A DESCRIPTION OF THE CATEGORIES OF INFORMATION THAT WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY A PERSON WITHOUT VALID AUTHORIZATION, INCLUDING SPECIFICATION OF WHICH OF THE ELEMENTS OF PERSONAL INFORMATION AND PRIVATE INFORMATION WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, SO ACQUIRED. <A]

[A> 8. (A) IN THE EVENT THAT ANY NEW YORK RESIDENTS ARE TO BE NOTIFIED AT ONE TIME, THE PERSON OR BUSINESS SHALL NOTIFY THE STATE ATTORNEY GENERAL, THE CONSUMER PROTECTION BOARD, AND THE STATE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION AS TO THE TIMING, CONTENT AND DISTRIBUTION OF THE NOTICES AND APPROXIMATE NUMBER OF AFFECTED PERSONS. SUCH NOTICE SHALL BE MADE WITHOUT DELAYING NOTICE TO AFFECTED NEW YORK RESIDENTS. <A]

[A> (B) IN THE EVENT THAT MORE THAN FIVE THOUSAND NEW YORK RESIDENTS ARE TO BE NOTIFIED AT ONE TIME, THE PERSON OR BUSINESS SHALL ALSO NOTIFY CONSUMER REPORTING AGENCIES AS TO THE TIMING, CONTENT AND DISTRIBUTION OF THE NOTICES AND APPROXIMATE NUMBER OF AFFECTED PERSONS. SUCH NOTICE SHALL BE MADE WITHOUT DELAYING NOTICE TO AFFECTED NEW YORK RESIDENTS. <A]

[A> 9. THE PROVISIONS OF THIS SECTION SHALL BE EXCLUSIVE AND SHALL PREEMPT ANY PROVISIONS OF LOCAL LAW, ORDINANCE OR CODE, AND NO LOCALITY SHALL IMPOSE REQUIREMENTS THAT ARE INCONSISTENT WITH OR MORE RESTRICTIVE THAN THOSE SET FORTH IN THIS SECTION. <A]

Section 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.

## History

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Enacted August 9, 2005

Cal. No. 196

## Sponsor

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Introduced by M. of A. BRENNAN, DESTITO, PHEFFER, WRIGHT, ORTIZ, KOON -- Multi-Sponsored by -- M. of A. ALFANO, BENJAMIN, BING, BOYLAND, CLARK, COLTON, CYMBROWITZ, ERRIGO, GALEF, GREEN, GREENE, HOOPER, JOHN, LAFAYETTE, LENTOL, MAGEE, McENENY, PAULIN, PERRY, J. RIVERA, P.

RIVERA, ROBINSON, SEDDIO, SEMINERIO, STRINGER, TOWNS, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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