The U.S does not have a national law that describes specific data and breach notification requirements. Instead, each state has enacted security breach notification laws that require businesses or governments to notify customers or citizens if their personal information is breached. Many of these state laws were modeled on the California security breach notification law that came into force on July 1, 2003 (Kosseff, 2017). Despite the lack of national law, congress has previously introduced data security standards. Even Just recently in 2015, President Obama also proposed national data breach law (Please refer to the attached document to see what it entailed). His administration planned to introduce the personal data notification and protection act to congress, which would require companies to notify customers within 30 days of a breach. If it were passed, this act would have been the first data breach notification law that applies to the private sector (Seiver, 2015). Nevertheless, until today, congress has not enacted any such legislation.

On the other hand, if Congress were to pass a data breach notification law, the law should require provisions regarding who must comply with the law (e.g., institutions, vendors, government entities, etc.). It should also require restrictions on how people’s information could be gathered and used and prevent organizations from using people’s information beyond the scope of consent. The law should also entail what constitutes a security breach, the type of personally identifiable information that was breached, and notification timelines and requirements. Additionally, it should detail the methods of notice to individuals, the content of the notice to individuals, and any regulatory and law enforcement bodies that might be involved during the process. The national law should also define any compliance with the requirements of the FTC and any consequences and penalties that can result from failure to abide with the national law requirements. Hence, a federal data breach notification rule can be an essential instrument to establish consistency regarding breach reporting and notification. It can also be a serious step to avoid security breaches. Furthermore, it can be beneficial to businesses who want to assure customers that they comply with all legal requirements, particularly for securing personal information (Kosseff, 2017).

Please review the attached document for an overview of what a national data breach notification law standard requires.

References

Kosseff, J. (2017). Cybersecurity Law, Second Edition. Hoboken, N.J: John Wiley & Sons, Inc.

President Obama Proposes National Data Breach Law, Unveils New. (2015). Retrieved from https://www.dwt.com/blogs/privacy--security-law-blog/2015/01/president-obama-proposes-national-data-breach-law