

## 24 Okl. St. § 162

This document is current with emergency effective legislation through Chapter 300 of the Second Regular Session of the 59th Legislature (2024) with exceptions to Chapter 182.

*Oklahoma Statutes, Annotated by LexisNexis® > Title 24. Debtor and Creditor (Chs. 1 — 9) > Chapter 8. Credit Services Organization Act (§§ 131 — 166) > Security Breach Notification Act (§§ 161 — 166)*

### § 162. Definitions

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As used in the Security Breach Notification Act:

1. “Breach of the security of a system” means the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused or will cause, identity theft or other fraud to any resident of this state. Good faith acquisition of personal information by an employee or agent of an individual or entity for the purposes of the individual or the entity is not a breach of the security of the system, provided that the personal information is not used for a purpose other than a lawful purpose of the individual or entity or subject to further unauthorized disclosure;
2. “Entity” includes corporations, business trusts, estates, partnerships, limited partnerships, limited liability partnerships, limited liability companies, associations, organizations, joint ventures, governments, governmental subdivisions, agencies, or instrumentalities, or any other legal entity, whether for profit or not-for-profit;
3. “Encrypted” means transformation of data through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without use of a confidential process or key, or securing the information by another method that renders the data elements unreadable or unusable;
4. “Financial institution” means any institution the business of which is engaging in financial activities as defined by 15 U.S.C., Section 6809;
5. “Individual” means a natural person;
6. “Personal information” means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this state, when the data elements are neither encrypted nor redacted:
  - a. social security number,
  - b. driver license number or state identification card number issued in lieu of a driver license, or

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c. financial account number, or credit card or debit card number, in combination with any required security code, access code, or password that would permit access to the financial accounts of a resident.

The term 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;

7. “Notice” means:

- a. written notice to the postal address in the records of the individual or entity,
- b. telephone notice,
- c. electronic notice, or
- d. substitute notice, if the individual or the entity required to provide notice demonstrates that the cost of providing notice will exceed Fifty Thousand Dollars (\$50,000.00), or that the affected class of residents to be notified exceeds one hundred thousand (100,000) persons, or that the individual or the entity does not have sufficient contact information or consent to provide notice as described in subparagraph a, b or c of this paragraph.

Substitute notice consists of any two of the following:

- (1) e-mail notice if the individual or the entity has e-mail addresses for the members of the affected class of residents,
- (2) conspicuous posting of the notice on the Internet web site of the individual or the entity if the individual or the entity maintains a public Internet web site, or
- (3) notice to major statewide media; and

8. “Redact” means alteration or truncation of data such that no more than the following are accessible as part of the personal information:

- a. five digits of a social security number, or
- b. the last four digits of a driver license number, state identification card number or account number.

## History

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Laws 2008, HB 2245, c. 86, § 2, eff. November 1, 2008.

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