

## 6 Del. C. § 12B-102

This document is current through 84 Del. Laws, c. 269.

*Delaware Code Annotated > Title 6 Commerce and Trade (Subts. I — IV) > Subtitle II Other Laws Relating to Commerce and Trade (Chs. 12 — 50E) > Chapter 12B Computer Security Breaches (§§ 12B-100 — 12B-104)*

### **§ 12B-102. Disclosure of breach of security; notice.**

---

(a) Any person who conducts business in this State and who owns or licenses computerized data that includes personal information shall provide notice of any breach of security following determination of the breach of security to any resident of this State whose personal information was breached or is reasonably believed to have been breached, unless, after an appropriate investigation, the person reasonably determines that the breach of security is unlikely to result in harm to the individuals whose personal information has been breached.

(b) A person that maintains computerized data that includes personal information that the person does not own or license shall give notice to and cooperate with the owner or licensee of the information of any breach of security immediately following determination of the breach of security. For purposes of this subsection, “cooperation” includes sharing with the owner or licensee information relevant to the breach.

(c) Notice required by subsection (a) of this section must be made without unreasonable delay but not later than 60 days after determination of the breach of security, except in the following situations:

(1) A shorter time is required under federal law.

(2) A law-enforcement agency determines that the notice will impede a criminal investigation and such law-enforcement agency has made a request of the person that the notice be delayed. Any such delayed notice must be made after such law-enforcement agency determines that notice will not compromise the criminal investigation and so notifies the person of such determination.

(3) When a person otherwise required by subsection (a) of this section to provide notice, could not, through reasonable diligence, identify within 60 days that the personal information of certain residents of this State was included in a breach of security, such person must provide the notice required by subsection (a) of this section to such residents as soon as practicable after the determination that the breach of security included the personal information of such residents, unless such person provides or has provided substitute notice in accordance with § 12B-101(5)d. of this title.

(d) If the affected number of Delaware residents to be notified exceeds 500 residents, the person required to provide notice shall, not later than the time when notice is provided to the resident, also provide notice of the breach of security to the Attorney General.

## § 12B-102. Disclosure of breach of security; notice.

(e) If the breach of security includes a Social Security number, the person shall offer to each resident, whose personal information, including Social Security number, was breached or is reasonably believed to have been breached, credit monitoring services at no cost to such resident for a period of 1 year. Such person shall provide all information necessary for such resident to enroll in such services and shall include information on how such resident can place a credit freeze on such resident's credit file. Such services are not required if, after an appropriate investigation, the person reasonably determines that the breach of security is unlikely to result in harm to the individuals whose personal information has been breached.

(f) In the case of a breach of security involving personal information defined in § 12B-101(7)a.5. of this title for login credentials of an email account furnished by the person, the person cannot comply with this section by providing the security breach notification to such email address, but may instead comply with this section by providing notice by another method described in § 12B-101(5) of this title or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account from an Internet Protocol address or online location from which the person knows the resident customarily accesses the account.

## History

---

75 Del. Laws, c. 61, § 1; 81 Del. Laws, c. 129, § 1.

Delaware Code Annotated

Copyright © 2024 All rights reserved.