

**Wyo. Stat. § 40-12-502**

Current through 2024 Budget Session. Subject to revisions by LSO.

*Wyoming Statutes Annotated > Title 40 Trade and Commerce (§§ 40-1-101 — 40-31-110) > Chapter 12 Consumer Protection (Arts. 1 — 7) > Article 5. Credit Freeze Reports (§§ 40-12-501 — 40-12-509)*

**§ 40-12-502. Computer security breach; notice to affected persons.**

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(a) An individual or commercial entity that conducts business in Wyoming and that owns or licenses computerized data that includes personal identifying information about a resident of Wyoming shall, when it becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal identifying information has been or will be misused. If the investigation determines that the misuse of personal identifying information about a Wyoming resident has occurred or is reasonably likely to occur, the individual or the commercial entity shall give notice as soon as possible to the affected Wyoming resident. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

(b) The notification required by this section may be delayed if a law enforcement agency determines in writing that the notification may seriously impede a criminal investigation.

(c) Any financial institution as defined in 15 U.S.C. 6809 or federal credit union as defined by 12 U.S.C. 1752 that maintains notification procedures subject to the requirements of 15 U.S.C. 6801(b)(3) and 12 C.F.R. Part 364 Appendix B or Part 748 Appendix B, is deemed to be in compliance with this section if the financial institution notifies affected Wyoming customers in compliance with the requirements of 15 U.S.C. 6801 through 6809 and 12 C.F.R. Part 364 Appendix B or Part 748 Appendix B.

(d) For purposes of this section, notice to consumers may be provided by one (1) of the following methods:

- (i) Written notice;
- (ii) Electronic mail notice;
- (iii) Substitute notice, if the person demonstrates:

(A) That the cost of providing notice would exceed ten thousand dollars (\$10,000.00) for Wyoming-based persons or businesses, and two hundred fifty thousand dollars (\$250,000.00) for all other businesses operating but not based in Wyoming;

(C) The person does not have sufficient contact information.

**(B) Notification to major statewide media.** The notice to media shall include a toll-free phone number where an individual can learn whether or not that individual's personal data is included in the security breach.

**(g)** Any person who maintains computerized data that includes personal identifying information on behalf of another business entity shall disclose to the business entity for which the information is maintained any breach of the security of the system as soon as practicable following the determination that personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person. The person who maintains the data on behalf of another

business entity and the business entity on whose behalf the data is maintained may agree which person or entity will provide any required notice as provided in subsection (a) of this section, provided only a single notice for each breach of the security of the system shall be required. If agreement regarding notification cannot be reached, the person who has the direct business relationship with the resident of this state shall provide notice subject to the provisions of subsection (a) of this section.

**(h)** A covered entity or business associate that is subject to and complies with the Health Insurance Portability and Accountability Act, and the regulations promulgated under that act, 45 C.F.R. Parts 160 and 164, is deemed to be in compliance with this section if the covered entity or business associate notifies affected Wyoming customers or entities in compliance with the requirements of the Health Insurance Portability and Accountability Act and 45 C.F.R. Parts 160 and 164.

## History

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Laws 2007, ch. 162, § 1; 2015 ch. 65, § 1, effective July 1, 2015.

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