AN ACT

1 Amending the act of December 22, 2005 (P.L.474, No.94), entitled
2   "An act providing for the notification of residents whose
3   personal information data was or may have been disclosed due
4   to a security system breach; and imposing penalties," further
5   providing for notification of breach.

6 The General Assembly of the Commonwealth of Pennsylvania

7 hereby enacts as follows:

8   Section 1. Section 3 of the act of December 22, 2005

9 (P.L.474, No.94), known as the Breach of Personal Information

10 Notification Act, is amended to read:

11 Section 3. Notification of breach.

12   (a) General rule.--An entity that maintains, stores or

13 manages computerized data that includes personal information

14 shall provide notice of any breach of the security of the system

15 following discovery of the breach of the security of the system

16 to any resident of this Commonwealth whose unencrypted and

17 unredacted personal information was or is reasonably believed to

18 have been accessed and acquired by an unauthorized person.

19 Notice shall also be provided to the Attorney General and the

1 Cybersecurity Coordinator. Except as provided in section 4 or in

2 order to take any measures necessary to determine the scope of

3 the breach and to restore the reasonable integrity of the data

4 system, the notice shall be made [without unreasonable delay] no

5 later than 30 days after discovery of the breach. For the

6 purpose of this section, a resident of this Commonwealth may be

7 determined to be an individual whose principal mailing address,

8 as reflected in the computerized data which is maintained,

9 stored or managed by the entity, is in this Commonwealth.

10 (b) Encrypted information.--An entity must provide notice of

11 the breach if encrypted information is accessed and acquired in

12 an unencrypted form, if the security breach is linked to a

13 breach of the security of the encryption or if the security

14 breach involves a person with access to the encryption key.

15 (c) Vendor notification.--A vendor that maintains, stores or

16 manages computerized data on behalf of another entity shall

17 provide notice of any breach of the security system following

18 discovery by the vendor to the entity on whose behalf the vendor

19 maintains, stores or manages the data. The entity shall be

20 responsible for making the determinations and discharging any

21 remaining duties under this act.

22 Section 2. This act shall take effect in 60 days.