



**TESTIMONY ON SB 696**  
**Data Privacy/Breach of Personal Information Act**  
Presented to the Senate Communications and Technology Committee

by  
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The County Commissioners Association of Pennsylvania (CCAP) is a non-profit, non-partisan association representing the commonwealth's 67 counties. We appreciate the opportunity to offer comments on SB 696, which would address data privacy and potential updates to the Breach of Personal Information Act.

#### *Determination*

Counties take seriously their responsibility to protect personal information and want to implement the best possible cybersecurity standards and assure affected individuals are notified in a timely manner in the event a breach occurs. It is critical that any data breach legislation take into account any issues that are likely to complicate counties' ability to understand what constitutes a breach and when action must be taken, and outlines timeframes for response that could be impossible to meet depending on the situation.

To that end, counties supported a proposed amendment in the Senate (A03426), that would have allowed for an appropriate timeframe for notification following determination, as it can sometimes take time to contain and mitigate the breach and identify individuals who may be affected for notification.

Counties appreciate that while that amendment was not the one adopted, SB 696, P.N. 1330 now includes the term "determination," rather than "discovery," which allows counties the ability to conduct an investigation to determine whether a breach of data or information has occurred. This clarification of *determination* that a breach has occurred will provide a more consistent interpretation of when the specified time period for notification to affected individuals begins.

#### *Breach of a System*

This leads to an additional concern with the current language of SB 696 being that the legislation focuses on the breach of a system, rather than the data stored within the system. Counties, by nature of the many services they provide, store sensitive data regarding the personal information of taxpayers residing throughout the commonwealth. CCAP recommends that the primary focus be the breach or loss of unencrypted personal data, rather than the system's breach.

It is essential that data breach legislation consider any issues that are likely to complicate counties' ability to understand what constitutes a breach and when action must be taken, and assures that there are feasible timeframes for a response that consider a multitude of situations that could be encountered.

Thank you again for the opportunity to offer our testimony and for your consideration of these comments. We look forward to continuing to work with you on these critical matters.