



Senate Communications & Technology Committee

Senator Randy Vulakovich, Chairman

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Bill Summary

Bill Number: SB 114, P.N. 67

Prime Sponsor: Pileggi

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Date: February 4, 2013

A. Synopsis

SB 114 would amend the Breach of Personal Information Notification Act by providing specific time frames for state agencies, counties, school districts and municipalities to notify law enforcement and the public of breaches. The bill would also require law enforcement to investigate such breaches.

B. Summary of Legislation

SB 114 would amend Section 3 (Notification of breach) by requiring state agencies to notify the Attorney General of a data breach within 3 business days of discovery and the public within 7 days. Counties, school districts and municipalities would be required to notify their respective county district attorney of a data breach within 3 business days of discovery and the public within 7 days.

The bill would add Section 3.1 (Investigation of breach involving a State agency) by stipulating that upon being notified, the Attorney General would have to investigate the breach – including a review of the agency's procedures; a determination of the cause of the breach; and recommendation(s) relating to future prevention. The cost of the investigation would be paid for by the agency in which the breach occurred.

The bill would add Section 3.2 (Investigation of breach involving a county, school district or municipality) by stipulating that upon being notified, the Attorney General would have to investigate the breach – including a review of the agency's procedures; a determination of the cause of the breach; and recommendation(s) relating to future prevention. The cost of the investigation would be paid for by the county, school district or municipality in which the breach occurred. If the district attorney determines that a breach of security of the system warrants an investigation by the Attorney General, the district attorney may request the Attorney General to join or take over the investigation.

The bill would add Section 3.3 (Individuals responsible for breach) by stipulating that if a breach was caused by an intentional act or misuse of the system or intentional unauthorized access to the system, an individual determined by a court to be responsible for the breach may be ordered by the court to pay for the cost of the investigation and the cost of repairing and restoring the system.

SB 114 would take effect in 60 days.

C. Summary of Relevant Existing Law

Act 94 of 2005 (Breach of Personal Information Notification Act) currently requires an entity - a state agency, a political subdivision or an individual or a business doing business in this Commonwealth -- to notify any resident of this Commonwealth whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person "without unreasonable delay."

Under current law, the notification required by this act may be delayed if a law enforcement agency determines and advises the entity in writing specifically referencing this section that the notification will impede a criminal or civil investigation. The notification required by this act shall be made after the law enforcement agency determines that it will not compromise the investigation or national or homeland security.

D. Additional Information

SB 114 is the same as last Session's Senate Bill 162 (P.N. 1568), which was unanimously passed but was not considered by the House State Government Committee.