

**STATE DATA BREACH NOTIFICATION LAWS –
OVERVIEW OF REQUIREMENTS FOR RESPONDING TO A DATA BREACH**

UPDATED SEPTEMBER 1, 2015

With the ever-changing complexity of state data breach notification laws, companies facing a data breach need resources that will help them understand the issues. This summary provides an overview of the similarities and differences in data breach laws adopted in 47 states and the District of Columbia, and includes amendments to the data breach notification laws in Connecticut, Nevada, Oregon, and Rhode Island since our last publication in June 2015. As reflected in this summary, laws may differ as to the information defined as “personal” or “sensitive” and the triggers for notification. As of September 1, 2015, about twenty states require that specific content be included in notices, and those requirements differ. In addition, twenty-three states impose obligations to notify certain state agencies in some or all cases.

Because privacy is a politically popular topic for legislators, laws continue to evolve and change. It is important to confirm that no changes have been made to relevant laws whenever you deal with a data breach. While this summary focuses on data breach notification obligations, many state laws also impose specific data security requirements for companies that handle personal information, which should also be consulted.

This summary is intended to provide general information about applicable laws, and does not constitute legal advice regarding specific facts or circumstances.

General Definitions

CRA = Consumer Reporting Agency (Experian, Equifax, TransUnion)

AG = State Attorney General

FTC = Federal Trade Commission

1. What Type of Personal Information Triggers a Breach Notification Obligation to Individuals?

Type of Personal Information	States
First name/initial and last name <i>plus</i> any of: <ul style="list-style-type: none"> - Social Security number (SSN) - Driver’s license number, state ID # - Account number, credit or debit card number, in combination w/ any PIN, security code, access code, or password that would permit access to an individual’s financial account 	Used by all states (except D.C.) with data breach laws ¹ (AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY) <u>NOTE:</u> MA – financial account number, or credit or debit card number, even without any required security code, access code, PIN or password, is reportable if associated with first name/initial and last name.
Name, phone number, <u>or</u> address <i>plus</i> SSN, driver’s license #, ID card #, credit or debit card #, or any other #, code, or combo that allows access to/use of individual’s account ²	D.C.

¹ Only Alabama, New Mexico and South Dakota do not have data breach notification laws. As described in Section 7, however, Texas law requires disclosure of a breach to all individuals whose personal information is affected, regardless of their place of residence.

² This definition of “personal information” and some of the other types of personal information described in this chart that trigger the breach notification requirement is similar to the definition of “sensitive customer information” under the Gramm-Leach-Bliley (GLB) Act. That term is defined in the GLB Act as a customer’s name, address, or telephone number, plus a SSN, driver’s license number, account number, credit or debit card number, or a personal identification number or password that would permit access to the customer’s account. It also includes any combination of components of customer information that would allow someone to log onto or access the customer’s account, such as user name and password or password and account number.

ADDITIONAL TYPES OF PERSONAL INFORMATION:

Type of Personal Information	States
Passwords, personal identification numbers, or other access codes for financial accounts when used with a first name/initial and last name	AK, VT
Account #, credit card #, or debit card # (alone) – if information compromised would be sufficient to perform or attempt to perform identity theft against the person whose information was compromised	GA, ME
Account passwords, PIN or other access codes (alone) – if information compromised would be sufficient to perform or attempt to perform identity theft against the person whose information was compromised	GA, ME, NC
Driver’s license number, or state ID # (alone) – if information compromised would be sufficient to perform or attempt to perform identity theft against the person whose information was compromised	ME
Unique electronic identifier or routing code, in combination with any required security code, access code, or password that would permit access to an individual’s financial account when used with a first name/initial and last name	IA, MO, NE
Unique biometric data, such as a fingerprint, retina or iris image, or other unique representation of biometric data when used with a first name/initial and last name	IA, NE, NC, WI, WY
Data from automatic measurements of physical characteristics, such as an image of a fingerprint, retina or iris, that are used to authenticate the consumer’s identity in the course of a financial or other transaction	OR ³
An individual’s DNA profile when used with a first name/initial and last name	WI
An Individual or Employer Taxpayer Identification Number when used with a first name/initial and last name	MD, MT, NC, WY

³ Effective January 1, 2016.

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Type of Personal Information	States
User name or e-mail address plus a password or security question and answer that would permit access to an online account	CA, FL, NV, WY RI (e-mail address plus a security code, access code, or password that would permit access to an individual's personal, medical, insurance or financial account) ⁴
Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names when used with a first name/initial and last name	NC
ID # assigned by individual's employer when used with a first name/initial and last name	ND
Digital or electronic signature when used with a first name/initial and last name	NC, ND
Date of birth when used with a first name/initial and last name	ND
Mother's maiden name when used with a first name/initial and last name	NC, ND
Medical Information	AR, CA, FL, MO, MT, ND, WY (if used in combination with first name/initial and last name) OR ⁵ , RI ⁶ (if used in combination with with the first name/initial and last name; specifically information about an individual's medical history, mental or physical condition or medical diagnosis or treatment) TX (specifically the physical or mental health or condition of the individual) VA (If used in combination with the first name/initial and last name <i>and</i> maintained by a state government entity)

⁴ Effective June 26, 2016.

⁵ Effective January 1, 2016.

⁶ Effective June 26, 2016.

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Type of Personal Information	States
Health Insurance Information	CA, FL, MO, ND, WY, RI ⁷ (if used in combination with first name/initial and last name) TX VA (If used in combination with the first name/initial and last name <i>and</i> maintained by a state government entity)
Medical identification number or a health insurance identification number	NV (if used in combination with first name/initial and last name)
Health insurance policy number or health insurance subscriber identification number in combination with any other unique identifier that a health insurer uses to identify an individual	OR (if used in combination with first name/initial and last name) ⁸
SSN (alone)	GA (if information compromised would alone be sufficient to perform or attempt to perform identity theft against the person whose information was compromised) IN (if SSN not encrypted or redacted) ME (if information compromised would alone be sufficient to permit a person to fraudulently assume or attempt to assume identity of the person whose information was compromised)
Any other numbers or information that can be used to access a person's financial resources when used with a first name/initial and last name	NC, SC
Any elements that when not combined with a name would be sufficient to permit a person to commit identity theft	OR ⁹

⁷ Effective June 26, 2016.

⁸ Effective January 1, 2016.

⁹ Effective January 1, 2016.

Type of Personal Information	States
Dissociated data that, if linked, would constitute personal information, if the means to link the dissociated data is accessed in connection with access to the dissociated data.	NJ
U.S. Passport number or other United States issued identification number	OR ¹⁰
Numbers or information issued by a governmental or regulatory entity that uniquely identify an individual	SC
Tribal identification card	WY
Federal or state government issued identification card	WY

2. What Form of Data Triggers a Breach Notification Obligation to Individuals?¹¹

Form of Data	State(s)
Unencrypted	All states with data breach laws, except D.C. (AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY)
Computerized	All states with data breach laws (AK, AZ, AR, CA, CO, CT, DE, D.C., FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY)

¹⁰ Effective January 1, 2016.

¹¹ Obligation to notify applies generally to businesses that own or license personal information of resident of the state except GA, where law applies to information brokers or a person or business who maintains such data on behalf of an information broker.

Form of Data	State(s)
Any Form (electronic, paper, etc.)	AK, HI, IA (if transferred to other medium from computerized form), MA, NC, SC, WA, WI

3. When Must Notice to Individuals be Given?

Timing to Notify Residents	States
Most expedient time possible and without unreasonable delay	AK, AZ, AR, CA, CO, DE, D.C., GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OR, PA, RI, SC, TN, TX, UT, VA, WA, WY <u>NOTE:</u> CA guidance document recommends notifying within 10 business days.
Within 90 days after discovery of breach (unless delayed for a law enforcement investigation)	CT
No later than 45 days after discovery of breach	FL, OH, WA, WI, VT
As soon as reasonably practicable after discovery of breach	MD, OK, WV
Within 30 days of breach (plus additional 15 days for good cause shown)	FL

4. What Form of Notice is Permitted?

Form of Notification	States
Written Notice	All states with data breach laws. (AK, AZ, AR, CA, CO, CT, DE, D.C., FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY)

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Form of Notification	States
Electronic Notice (consistent w/ 15 U.S.C. § 7001)	AK, AZ, AR, CA, CO, CT, DE, D.C., FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WY Same states that permit written notice, except that WI permits notification “by a method the entity has previously employed to communicate with the subject of the personal information.”
Telephone	AZ, CO, CT, DE, GA, ID, IN, MD, MS, MT, NE, OH, OK, SC, UT, VA, WV HI, MO, NC, OR, VT (if contact is made directly with the affected persons) MI (if notice is not given by use of a recorded message, and the recipient has expressly consented to receive notice by telephone; or if recipient has not expressly consented to receive notice by telephone, and notice by telephone does not result in a live conversation within 3 business days after initial attempt to provide telephone notice, then written or electronic notice is also provided) NH, NY (if a log of each such notification is kept by the person or business who notifies affected persons) PA (if the customer can be reasonably expected to receive it and the notice is given in a clear and conspicuous manner, describes the incident in general terms and verifies personal information but does not require the customer to provide personal information and the customer is provided with a telephone number to call or Internet Website to visit for further information or assistance)
Fax	IN
Newspaper of general circulation	UT (but notice must be in accordance with Utah Code Section 45-1-101)
Substitute notice (consisting of email; conspicuous posting on website; AND notice to major statewide media) where cost > \$250K, > 500,000 affected, or insufficient contact information	AR, CA, CT, FL, IL, IN, KY, LA, MA, MI, MN, MT, NV, NJ, NY, NC, ND, OH, SC, TN, TX, WA

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Form of Notification	States
Substitute notice (consisting of email; conspicuous posting on website; AND notice to major statewide media) with other cost/affected individual thresholds	<ul style="list-style-type: none"> - AK (cost > \$150K, >300,000 affected) - AZ, D.C., GA, OK, VA, WV (cost > \$50K, >100,000 affected) - CO (cost > \$250K, >250,000 affected) - DE and NE (cost >\$75K, >100,000 affected) - HI (cost >\$100K, >200,000 affected) - ID and RI (cost >\$25K, >50,000 affected) - IA and OR (cost >\$250K, >350,000 affected) - KS (cost >\$100K, >5,000 affected) - ME and NH (cost >\$5K, >1,000 affected) - MD and PA (cost >\$100K, >175,000 affected) - MS (cost > \$5K, > 5,000 affected) - MO (cost >\$100K, >150,000 affected) - RI (cost >\$50K, >50,000 affected)¹² - VT (cost > \$5K, > 5,000 affected) - WY (cost > \$10K for WY business or \$250K for others, > 10,000 affected for WY businesses; 500,000 for others)

¹² Effective June 26, 2016.

5. What Must Be Included in Breach Notices to Individuals Under Statute?¹³

States	Content Required
<p>California</p>	<p>Notification <i>must</i> include:</p> <ol style="list-style-type: none"> 1. The name and contact information of the business. 2. A list of the types of personal information believed to be breached. 3. The date or estimated date of the breach, if known. 4. Whether notification was delayed as a result of a law enforcement investigation. 5. A general description of the incident. 6. The toll free telephone numbers and addresses of the major credit reporting agencies if the breach exposed a social security number or a driver’s license or California identification card number. <p>Notification <i>may</i> include the following:</p> <ol style="list-style-type: none"> 1. Information about what the business has done to protect individuals whose information has been breached. 2. Advice on steps that the person may take to protect themselves from the breach. <p>Effective January 1, 2015, companies that report a breach must provide free identity theft protection for 12 months. For a breach involving PI for an online account and no other PI, companies can comply with the notification requirement by providing notice in electronic or other form that directs affected person to change his/her password and security question or answer, or take other steps appropriate to protect the account and all other online accounts for which the person uses the same user name or email address and password or security question or answer.</p>
<p>Connecticut</p>	<p>The statute does not list required content, but the state Attorney General website specifies that any breach notification should include:</p> <ol style="list-style-type: none"> 1. Name of person reporting, name of business and contact information 2. A list of the types of personal information that were or are reasonably believed to have been the subject of the breach 3. A general description of the breach, including the date of the breach and the number of Connecticut residents affected 4. Whether the notification was delayed because of a law enforcement investigation (if applicable).

¹³ AG or other approval prior to or simultaneously with notifying affected individuals is required in some states. See Section 6.

States	Content Required
Hawaii	<ol style="list-style-type: none"> 1. The incident in general terms. 2. Type of PI subject unauthorized access and acquisition. 3. General acts of the business to protect PI from further unauthorized access. 4. Telephone number to call for information and assistance, if one exists. 5. Advice to remain vigilant by reviewing account statements and monitoring free credit reports.
Illinois	<p>Notification must include, but need not be limited to:</p> <ol style="list-style-type: none"> 1. The toll-free numbers and addresses for consumer reporting agencies. 2. The toll-free number, address, and website address for the Federal Trade Commission. 3. A statement that the individual can obtain information from these sources about fraud alerts and security freezes. <p>Notification shall not include information concerning the number of Illinois residents affected by the breach.</p>
Iowa	<ol style="list-style-type: none"> 1. Description of the breach. 2. Approximate date of the breach. 3. Type of PI obtained as a result of the breach. 4. Contact information for CRAs. 5. Advice to report suspected ID theft to local law enforcement or AG.
Maryland	<ol style="list-style-type: none"> 1. To the extent possible, a description of the information acquired, including PI 2. Contact info for the company (address, telephone number, and toll-free telephone number if maintained). 3. Toll-free telephone numbers and addresses for CRAs. 4. Toll-free telephone numbers, addresses, and websites for FTC and MD AG and statement that individual can obtain information from them on steps to avoid identity theft.
Massachusetts	<ol style="list-style-type: none"> 1. Individual's right to obtain a police report. 2. How to request a security freeze and information to be provided when requesting a security freeze. 3. Required fees for CRAs. 4. Notification must not describe the nature of the breach or number of residents affected. <p>Sample letter available at http://www.mass.gov/ago/docs/consumer/93h-sampleletter-residents.pdf</p>
Michigan	<ol style="list-style-type: none"> 1. The breach in general terms. 2. Type of PI that is the subject of the unauthorized access or use. 3. What the business has done to protect data from further security breaches. 4. Telephone number where a notice recipient may obtain assistance or additional information. 5. Remind notice recipients of the need to remain vigilant for ID theft and fraud.

States	Content Required
Missouri	<ol style="list-style-type: none"> 1. The incident in general terms. 2. Type of PI obtained. 3. Telephone number for the business. 4. Contact information for CRAs. 5. Advice to remain vigilant by reviewing account statements and monitoring free credit reports.
Montana	<p>If a business discloses a breach and gives notice to the individual that suggests, indicates, or implies that the individual may obtain a copy of the file on the individual from a CRA, then the business must coordinate with the CRA as to the timing, content, and distribution of the notice to the individual.</p>
New Hampshire	<ol style="list-style-type: none"> 1. The incident in general terms. 2. Approximate date of breach. 3. Type of PI obtained. 4. Telephone number for the business.
New York	<ol style="list-style-type: none"> 1. Contact information for the business. 2. A description of the categories of information that were, or are reasonably believed to have been, acquired, including elements of PI.
North Carolina	<ol style="list-style-type: none"> 1. The incident in general terms. 2. Type of PI subject to the unauthorized access and acquisition. 3. General acts of the business to protect PI from further unauthorized access. 4. Telephone number for the business. 5. Advice to remain vigilant by reviewing account statements and monitoring free credit reports. 6. Toll-free numbers and addresses for CRAs. 7. Toll-free numbers, addresses, websites for FTC and NC AG with a statement that the individual can obtain information from these sources about preventing identity theft.
Oregon	<ol style="list-style-type: none"> 1. Description of the breach. 2. Approximate date of the breach. 3. Type of PI obtained as a result of the breach. 4. Contact information for the business. 5. Contact information for CRAs. 6. Advice to report suspected identity theft to law enforcement, including the FTC.

States	Content Required
Rhode Island ¹⁴	<ol style="list-style-type: none"> 1. The incident in general terms, including how the breach occurred and number of affected individuals. 2. Type of PI subject to the security breach. 3. Actual or estimated date of breach or timeframe within which the breach occurred. 4. Date breach was discovered. 5. Description of remediation services being offered, including toll-free numbers and websites for CRAs, remediation service providers, and AG. 6. How to file or obtain a police report. 7. How to request a security freeze and notice that CRAs may charge fees.
Vermont	<ol style="list-style-type: none"> 1. The incident in general terms. 2. Type of PI subject to the security breach. 3. General acts of the business to protect PI from further security breach. 4. Toll-free number to call for further information and assistance. 5. Advice to remain vigilant by reviewing account statements and monitoring free credit reports. 6. Approximate date of the security breach.
Virginia	<ol style="list-style-type: none"> 1. The incident in general terms. 2. Type of PI that was subject to the unauthorized access and acquisition. 3. General acts of the entity to protect the PI from further unauthorized access. 4. Telephone number to call for further information and assistance, if one exists. 5. Advice to remain vigilant by reviewing account statements and monitoring free credit reports.
Washington	<ol style="list-style-type: none"> 1. Name and contact information for the reporting entity. 2. Types of personal information subject to the security breach. 3. Toll-free numbers and addresses for CRAs
West Virginia	<ol style="list-style-type: none"> 1. To the extent possible, a description of information that was reasonably believed to have been accessed or acquired, including SSNs, driver’s licenses or state identification numbers and financial data. 2. Telephone number or website to contact to learn: (A) what types of info the entity maintained about individuals; and (B) whether or not the entity maintained info about that individual. 3. Toll-free contact numbers and addresses for CRAs and info on how to place a fraud alert or security freeze.
Wisconsin	Indicate that the entity knows of the unauthorized acquisition of PI pertaining to the individual.

¹⁴ Effective June 26, 2016.

States	Content Required
Wyoming	<ol style="list-style-type: none">1. Types of PI reasonably believed to have been the subject of the breach.2. General description of the breach.3. Approximate date of the breach, if reasonably possible to determine at the time of notice.4. General actions taken to protect the system containing PI from further breaches.5. Advice to remain vigilant by reviewing account statements and monitoring credit reports.6. Whether notification was delayed as a result of law enforcement investigation.7. Toll-free number to contact the person collecting the data or his agent and from which the individual can obtain toll-free numbers and addresses for CRAs.

4. What States Require Notification to State Agencies?

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
California	Attorney General Submit electronic form: https://oag.ca.gov/ecrime/databreach/report-a-breach	<u>Threshold:</u> If notice is given to >500 residents at one time. <u>Timing:</u> None specified. <u>Specific Content:</u> Must electronically submit a sample copy of the notification to residents, excluding any PI.
Connecticut	Attorney General <u>Notify by Email:</u> ag.breach@ct.gov	<u>Threshold:</u> None specified. <u>Timing:</u> Within 90 days after discovery of breach. <u>Specific Content:</u> <ul style="list-style-type: none"> • Name of person reporting, name of business and contact information. • List of types of personal information that were or are reasonably believed to have been the subject of the breach. • General description of the breach, including the date and number of residents affected. • Whether the notification was delayed because of law enforcement investigation (if applicable).

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Florida	Office of Attorney General Department of Legal Affairs	<p><u>Threshold:</u> If notice is given to 500 or more residents</p> <p><u>Timing:</u> As expeditiously as possible, but no later than 30 days after determination of the breach or reason to believe a breach occurred. May receive an additional 15 days for good cause provided to the Dept. in writing.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • Synopsis of the events surrounding the breach. • Number of residents who were or potentially have been affected by the breach. • Any services being offered or scheduled to be offered, without charge, and instructions as to how to use such services. • Name, address, telephone number, e-mail address of employee or agent from whom additional information may be obtained. <p>To be provided upon request:</p> <ul style="list-style-type: none"> • Police/ incident/ computer forensics report. • Copy of the policies in place regarding breaches. • Steps that have been taken to rectify the breach.
Hawaii	Office of Consumer Protection <u>Notify by U.S. Mail:</u> Office of Consumer Protection Department of Commerce and Consumer Affairs 235 South Beretania Street, Suite 801 Honolulu, Hawaii 96813-2419	<p><u>Threshold:</u> If notice is given to >1,000 residents at one time</p> <p><u>Timing:</u> Without unreasonable delay.</p> <p><u>Specific Content:</u> None specified.</p>

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Indiana	Attorney General <u>Notify by U.S. Mail:</u> Consumer Protection Division Office of the Indiana Attorney General ATTN: Security Breach Notification 302 W. Washington St., 5th Floor Indianapolis, IN 46204	<u>Threshold:</u> None specified. <u>Timing:</u> Without unreasonable delay. <u>Specific Content:</u> None specified.
Iowa	Attorney General Consumer Protection Division <u>Notify by U.S. Mail:</u> 1305 E. Walnut Street Des Moines, IA 50319	<u>Threshold:</u> If > 500 residents affected. <u>Timing:</u> Within 5 business days of notifying consumers. <u>Specific Content:</u> None specified.
Louisiana	Consumer Protection Section of the Attorney General’s Office <u>Notify by U.S. Mail:</u> Consumer Protection Section Office of the Attorney General 1885 North Third St. Baton Rouge, LA 70802 -or- P.O. Box 94005 Baton Rouge, LA 70804	<u>Threshold:</u> None specified. <u>Timing:</u> Within 10 days of notice to LA residents. <u>Specific Content:</u> Notice must be written and include names of all individuals affected by the breach.

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
<p>Maine</p>	<p>Department of Professional and Financial Regulation (if regulated by the Department)</p> <p><u>Notify by U.S. Mail:</u> Department of Professional & Financial Regulation 35 State House Station Augusta, Maine 04333</p> <p>Attorney General (if not regulated by the Department)</p> <p><u>Notify by U.S. Mail:</u> Maine Attorney General Attn: Consumer Protection Division 6 State House Station Augusta, Maine 04333</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> None specified.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • Date of the breach. • Estimated number of persons affected by the breach. • Actual or anticipated date that the residents will be notified.
<p>Maryland</p>	<p>Attorney General</p> <p><u>Notify by U.S. Mail:</u> Office of the Attorney General Attn: Security Breach Notification 200 St. Paul Place Baltimore, MD 21202</p> <p><u>Notify by Fax:</u> (410) 576-6566 Attn: Security Breach Notification</p> <p><u>Notify by E-mail:</u> Idtheft@oag.state.md.us</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> <i>Before</i> notifying affected individuals.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • Brief description of the breach. • Number of MD residents being notified. • Type of information compromised. • Steps taken to restore the integrity of the system. • Attach a copy of the notice to consumers.

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Massachusetts	<p>Attorney General Director of Consumer Affairs and Business Regulation</p> <p><u>Notify by U.S. Mail:</u></p> <p>Massachusetts Office of the Attorney General Public Information and Assistance Center One Ashburton Pl. Boston, MA 02108-1518 E-mail: ago@state.ma.us</p> <p>Office of Consumer Affairs and Business Regulation 10 Park Plaza, Suite 5170 Boston, MA 02116</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> As soon as practicable and without unreasonable delay.</p> <p><u>Specific Content</u></p> <ul style="list-style-type: none"> • Detailed description of the incident. • Number of MA residents affected. • Steps taken relating to the incident. • Steps to be taken subsequent to notification. • Whether law enforcement is investigating. • Name and contact information for the person whom the Office of the Attorney General may contact. <p>Sample letter available on website</p>
Missouri	<p>Attorney General</p> <p><u>Notify by U.S. Mail:</u></p> <p>Attorney General's Office Consumer Protection Unit 207 W. High St. P.O. Box 899 Jefferson City, MO 65102 attorney.general@ago.mo.gov</p>	<p><u>Threshold:</u> If notice is given to > 1,000 residents at once</p> <p><u>Timing:</u> Without unreasonable delay.</p> <p><u>Specific Content:</u> Timing, distribution, and content of the notice to individuals.</p>

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Montana	<p>Attorney General</p> <p><u>Notify by U.S. Mail:</u> Office of Consumer Protection P.O. Box 200151 Helena, MT 59620-0151</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> Simultaneously with notice to individuals.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • Date and method of distribution of the notice to individuals, excluding any information that personally identifies an individual. • Attach a copy of the notice to individuals and identify the number of residents who received it.
New Hampshire	<p>Attorney General</p> <p><u>Notify by U.S. Mail:</u> New Hampshire Department of Justice Office of the Attorney General 33 Capitol Street Concord, NH 03301</p> <p>Other State Regulatory Agencies:</p> <p>Entities subject to the jurisdiction of the bank commissioner, the director of securities regulation, the insurance commissioner, the public utilities commission, the financial institutions and insurance regulators of other states, or federal banking or securities regulators who possess the authority to regulate unfair or deceptive trade practices shall notify the regulator with primary regulatory authority.</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> None specified.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • Anticipated date of the notice to the individuals • Approximate number of residents who will be notified.
New Jersey	<p>Department of Law and Public Safety, Division of State Police</p> <p>A breach of security can be reported to the New Jersey State Police 24 hours a day at: 609-963-6900</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> Before notifying affected individuals; quickly and without unreasonable delay.</p> <p><u>Specific Content:</u> None specified.</p>

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
<p>New York</p>	<p>Must notify the following three (3) agencies by fax or email:</p> <p><u>Attorney General’s Office:</u> Security Breach Notification Consumer Frauds & Protection Bureau 120 Broadway - 3rd Floor New York, NY 10271 Fax: 212-416-6003 E-mail: breach.security@ag.ny.gov</p> <p><u>New York State Division of State Police:</u> Security Breach Notification New York State Intelligence Center 630 Columbia Street Ext Latham, NY 12110 fax: 518-786-9398 E-mail: risk@nysic.ny.gov</p> <p><u>New York State Department of State Division of Consumer Protection:</u> Attn: Director of the Division of Consumer Protection Security Breach Notification 99 Washington Avenue, Suite 650 Albany, NY 12231 Fax: 518-473-9055 E-mail: security_breach_notification@dos.ny.gov</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> None specified.</p> <p><u>Specific Content:</u> Notice made using New York State Information Security Breach and Notification Act Reporting form, available at: http://www.dhses.ny.gov/ocs/breach-notification/documents/Business-Data-Breach-Form.pdf</p>

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
North Carolina	<p>Consumer Protection Division of the Attorney General’s Office</p> <p><u>Notify by U.S. Mail:</u> Consumer Protection Division NC Attorney General’s Office 9001 Mail Service Center Raleigh, NC 27699-9001</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> Without unreasonable delay.</p> <p><u>Specific Content:</u> Notice should be made using North Carolina Security Breach Reporting Form: http://www.ncdoj.gov/getdoc/50dc89a8-8b26-48b6-88f2-3e30cd19f09f/NC-Security-Breach-Reporting-Form-2009.aspx</p>
North Dakota	<p>Attorney General</p> <p><u>Notify by U.S. Mail:</u> Office of the Attorney General Consumer Protection and Antitrust Division Gateway Professional Center 1050 E. Interstate Ave., Suite 200 Bismarck, ND 58503-5574</p>	<p><u>Threshold:</u> If notice is given to >250 residents at once.</p> <p><u>Timing:</u> In the most expedient time possible and without unreasonable delay.</p> <p><u>Specific Content:</u> None specified.</p>
Oregon	<p>Attorney General¹⁵</p> <p><u>Notify by U.S. Mail or Electronically:</u> Office of the Attorney General Financial Fraud/Consumer Protection Section Civil Enforcement Division Oregon Department of Justice 1162 Court Street NE Salem, OR 97301-4096 help@oregonconsumer.gov</p>	<p><u>Threshold:</u> If notice is given to >250 residents at once.</p> <p><u>Timing:</u> In the most expeditious time possible, without unreasonable delay, consistent with the needs of law enforcement.</p> <p><u>Specific Content:</u> None specified.</p>

¹⁵ Effective January 1, 2016.

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Rhode Island	Attorney General ¹⁶ <u>Notify by U.S. Mail or Electronically:</u> Office of the Attorney General Consumer Protection Unit 150 South Main Street Providence, Rhode Island 02903 consumers@riag.ri.gov	<u>Threshold:</u> If notice is given to >500 residents at once. <u>Timing:</u> In the most expedient time possible, but no later than 45 days. <u>Specific Content:</u> <ul style="list-style-type: none"> • Timing, content and distribution of notices. • Approximate number of affected individuals.
South Carolina	Consumer Protection Division of the Department of Consumer Affairs <u>Notify by U.S. Mail:</u> Legal Division RE: Security Breach Notification South Carolina Department of Consumer Affairs P.O. Box 5757 Columbia, SC 29250	<u>Threshold:</u> If notice is given to >1,000 residents at once <u>Timing:</u> Without unreasonable delay. <u>Specific Content:</u> <ul style="list-style-type: none"> • When the breach occurred. • When notice was given to affected persons. • Number of persons affected by the breach. • A copy of the notice sent to affected persons.

¹⁶ Effective June 26, 2016.

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Vermont	<p>Attorney General</p> <p><u>Notify by telephone, fax, or email:</u> Phone: 802-828-5479 Fax: 802-828-5479 Email: data.security@atg.state.vt.us</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> Within 14 days of discovering the breach. However, 14 day preliminary notice need not be submitted if, prior to the date of the breach, owner has sworn in the form provided by the AG that it maintains written policies and procedures to maintain the security of PI and to respond to a breach in a manner consistent with VT law.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • Date of the security breach. • Date of discovery of the breach. • Description of the breach. • Number of persons affected by the breach. • A copy of the notice sent to affected persons.
Virginia	<p>Attorney General</p> <p><u>Notify by U.S. Mail:</u> Computer Crime Section Virginia Attorney General’s Office 900 East Main Street Richmond, VA 23219</p>	<p><u>Threshold:</u> None specified.</p> <p><u>Timing:</u> Without unreasonable delay.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • A cover letter on official company letterhead. • Approximate date of the incident. • How the breach was discovered. • Cause of breach. • Number of VA residents affected by the breach. • Steps taken to remedy the breach. • Sample of notification to residents, to include any possible offers of free credit monitoring.

State	State Agency(ies) Requiring Notification & Agency Information	Threshold, Timing, and Specific Content to be Included In Notice
Washington	<p>Attorney General</p> <p>Amendments to data breach notification law, which take effect July 24, 2015, require electronic notification.</p>	<p><u>Threshold:</u> If notice is given to >500 residents at once</p> <p><u>Timing:</u> By the time notice is provided to consumers.</p> <p><u>Specific Content:</u></p> <ul style="list-style-type: none"> • A copy of the notice sent to affected persons (eliminating any PI). • Estimated number of WA residents affected by the breach.

5. Other Notification Requirements

State(s)	Notice Requirements
Texas	Requires disclosure of a breach to all individuals (regardless of the state of residency) whose personal information is breached. If the individual is a resident of another state that requires breach notification, then the breach notification to that individual may be provided under that state’s law or under Texas’ law.

6. When is Notification to CRAs Required?

State(s)	Timing of Notification	Notice of Breach
MN	Within 48 hours of discovering circumstances requiring notification.	If notification of breach is given to > 500 MN residents at once
AK, CO, D.C., FL, HI, IN, KS, KY, MD, ME, MI, MO, NC, NV, NJ, OH, OR, PA, SC, TN, VA, VT, WV, WI	Without unreasonable delay.	If notification of breach is given to > 1,000 state residents at once.

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State(s)	Timing of Notification	Notice of Breach
RI ¹⁷	Without unreasonable delay and no later than 45 days after confirmation of breach.	If notification of breach is given to > 500 RI residents at once.
ME, NH	Without unreasonable delay.	If notification of breach is given to > 1,000 persons/consumers at a single time (persons do not all need to be state residents).
NY	Without unreasonable delay.	If notification of breach is given to > 5,000 NY residents at once. Must notify as to timing, content and distribution of notices and approximate number of affected persons.
GA	Without unreasonable delay.	If notification of breach is given to > 10,000 GA residents at once.
TX	Without unreasonable delay.	If notification of breach is given to > 10,000 persons at once (persons do not all need to be state residents).

Contact Information for Three National CRAs:

EQUIFAX:

E-mail: psol@equifax.com

Contact Number: 866-510-4211

Security Breach Website: <http://www.equifax.com/help/data-breach-solutions/>

EXPERIAN:

E-mail: databreachinfo@experian.com

Contact Number: 866-751-1323

Security Breach Website: <http://www.experian.com/business-services/data-breach-protection.html?INTCMP=INTFMTP52511DBP>

TRANSUNION:

E-mail: databreach@transunion.com

Contact Number: 800-719-1636

TransUnion Data Breach Reporting Hotline: 800-971-4307

¹⁷ Effective June 26, 2016.

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Security Breach Website: <http://www.transunion.com/corporate/business/solutionsbyneed/fraud-response-services.page>

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For more information on privacy and data security matters, please contact us:

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