

HOUSE BILL No. 1351

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.9-3-3.

Synopsis: Disclosure or notification of data breach. Adds a requirement that disclosure or notice must occur not more than 45 days after the discovery of a breach.

Effective: July 1, 2022.

Carbaugh

January 11, 2022, read first time and referred to Committee on Financial Institutions and Insurance.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-4.9-3-3, AS ADDED BY P.L.125-2006,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 3. (a) A person required to make a disclosure or
4 notification under this chapter shall make the disclosure or notification
5 without unreasonable delay, **but not more than forty-five (45) days**
6 **after the discovery of the breach.** For purposes of this section, a delay
7 is reasonable if the delay is:
8 (1) necessary to restore the integrity of the computer system;
9 (2) necessary to discover the scope of the breach; or
10 (3) in response to a request from the attorney general or a law
11 enforcement agency to delay disclosure because disclosure will:
12 (A) impede a criminal or civil investigation; or
13 (B) jeopardize national security.
14 (b) A person required to make a disclosure or notification under this
15 chapter shall make the disclosure or notification as soon as possible
16 after:
17 (1) delay is no longer necessary to restore the integrity of the



1 computer system or to discover the scope of the breach; or
2 (2) the attorney general or a law enforcement agency notifies the
3 person that delay will no longer impede a criminal or civil
4 investigation or jeopardize national security.

