
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 33 Session of
2017

INTRODUCED BY THOMAS, SCHLOSSBERG, ROZZI, DRISCOLL, BIZZARRO,
V. BROWN AND SOLOMON, JANUARY 23, 2017

REFERRED TO COMMITTEE ON COMMERCE, JANUARY 23, 2017

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.