

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 114 Session of 2013

INTRODUCED BY PILEGGI, VULAKOVICH, SCARNATI, FARNESE, WASHINGTON, ROBBINS, MENSCH, ERICKSON, FONTANA, SCHWANK, KASUNIC, RAFFERTY, ALLOWAY, TARTAGLIONE, HUGHES, YAW, WILLIAMS, BOSCOLA, GREENLEAF, FERLO, WARD, YUDICHAK, FOLMER, GORDNER, VANCE, WAUGH, BREWSTER, BRUBAKER, BAKER, TOMLINSON AND BROWNE, JANUARY 9, 2013

AS AMENDED ON THIRD CONSIDERATION, APRIL 30, 2013

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 by adding subsections to read:

11 Section 3. Notification of breach.

12 \* \* \*

13 (a.1) Notification by State agency.--If a State agency is
14 the subject of a breach of security of the system, the State
15 agency shall provide notice of the breach of security of the
16 system required under subsection (a) within seven days following
17 discovery of the breach. Notification shall be provided to the

1 Office of Attorney General within three business days following  
2 discovery of the breach. A State agency under the Governor's  
3 jurisdiction shall also provide notice of a breach of its  
4 security system to the Governor's Office of Administration  
5 within three business days following the discovery of the  
6 breach. Notification shall occur regardless of the existence of  
7 procedures and policies under section 7.

8 (a.2) Notification by county, school district or  
9 municipality.--If a county, school district or municipality is  
10 the subject of a breach of security of the system, the county,  
11 school district or municipality shall provide notice of the  
12 breach of security of the system required under subsection (a)  
13 within seven days following discovery of the breach.

14 Notification shall be provided to the district attorney in the  
15 county in which the breach occurred within three business days  
16 following discovery of the breach. Notification shall occur  
17 regardless of the existence of procedures and policies under  
18 section 7.

19 (A.3) STORAGE POLICY.--

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20 (1) THE OFFICE OF ADMINISTRATION SHALL DEVELOP A POLICY  
21 TO GOVERN THE PROPER STORAGE BY STATE AGENCIES OF DATA WHICH  
22 INCLUDES PERSONALLY IDENTIFIABLE INFORMATION. THE POLICY  
23 SHALL ADDRESS IDENTIFYING, COLLECTING, MAINTAINING,  
24 DISPLAYING AND TRANSFERRING PERSONALLY IDENTIFIABLE  
25 INFORMATION, USING PERSONALLY IDENTIFIABLE INFORMATION IN  
26 TEST ENVIRONMENTS, REMEDIATING PERSONALLY IDENTIFIABLE  
27 INFORMATION STORED ON LEGACY SYSTEMS AND OTHER RELEVANT  
28 ISSUES. A GOAL OF THE POLICY SHALL BE TO REDUCE THE RISK OF  
29 FUTURE BREACHES OF SECURITY OF THE SYSTEM.

30 (2) IN DEVELOPING THE POLICY UNDER PARAGRAPH (1), THE

1 OFFICE OF ADMINISTRATION SHALL CONSIDER SIMILAR EXISTING  
2 POLICIES IN OTHER STATES, BEST PRACTICES IDENTIFIED BY OTHER  
3 STATES AND RELEVANT STUDIES AND OTHER SOURCES AS APPROPRIATE.  
4 THE POLICY SHALL BE REVIEWED AT LEAST ANNUALLY AND UPDATED AS  
5 NECESSARY.

6 \* \* \*

7 Section 2. This act shall take effect in 60 days.