

Notice of State Security Laws and Freezes

Notice Type

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| 1 | Notice of security breach state laws. Last updated June 27, 2006. |
| 2 | Notice of state security freeze laws. Last updated December 4, 2006.
[Due to the nature of a freeze, a link is included which provides exhaustive information for that state.] |

1	AR	SB 1167, Passed into law in 2005. Law provides notice to consumers of breach in the security of unencrypted computerized, personal information which is held by a person or business. Notice is not required if no reasonable likelihood of harm to consumers.
1	AZ	SB 1338, effective 12/31/2006. Law provides notice to consumers of breach in the security of unencrypted, unredacted computerized personal information when there is a reasonable likelihood of harm to consumers. If entity complies with federal rules, then it is deemed to be in compliance with Arizona law.
1	CA	Civil Code Sec. 1798.80-1798.82, effective July 1, 2003. Requires notice to consumers of breach in the security, confidentiality, or integrity of unencrypted computerized personal information held by a business or a government agency.
2	CA	Applies to all consumers Effective Jan. 1, 2003, subsequently amended to cap fees on non-ID theft victims No fee for victims to place the freeze, others pay up to \$10 per freeze Caps fee to lift freeze at \$10 for temporary lifting for a time, \$12 for temporary lift for one creditor California Civil Code sections 1785.11.2-1785.11.6. How to place your security freeze in California and a link to the text of the California statute, see: http://www.privacyprotection.ca.gov/sheets/cis10securityfreeze.htm
1	CO	Co. Rev. Stat. 6-1-716(1)(a); effective Sept. 1, 2006. Law provides notice to consumers of breach in the security of unencrypted, computerized personal information. Notice is not required if there is no reasonable likelihood of harm to consumers.
2	CO	SB 05-137 Applies to all consumers Fees: No fee for first freeze; \$10 to place a second freeze, \$10 to lift, \$12 for temporary lift for one creditor Signed June 1, 2005 Effective date: July 1, 2006 Text of statute: http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/349195C4D17F1A7787256F8E0001202B?Open&file=137_enr.pdf For more information on the security freeze law in Colorado, see: http://www.ago.state.co.us/dtheft/securityfreeze.cfm
1	CT	SB 650, Passed into law 2005, effective January 1, 2006. Requires notice of security breach by persons who conduct business in the state and have a breach of the security of unencrypted computerized data, electronic media or electronic files, containing personal information. Notice is not required if the breached entity determines in consultation with federal, state, and local law enforcement agencies that the breach will not likely result in harm to the individuals.
2	CT	SB 650 Applies to all consumers Fees: \$10 to place, lift, or lift temporarily, \$12 to lift for one creditor Effective date: Jan. 1, 2006 http://www.cga.ct.gov/2005/act/Pa/2005PA-00148-R00SB-00650-PA.htm For more information on the security freeze law in Connecticut, see: http://www.ct.gov/ag/cwp/view.asp?A=1949&Q=293270
1	DE	HB 116, signed June 28, 2005. Requires notice of a breach of the security, confidentiality or integrity of encrypted, computerized, personal information by persons doing business in the state. Covers sensitive personal information including medical information. Violations trigger triple damages plus attorneys fees.
2	DE	Applies to all consumers. \$20 to place, free to temporarily lift for a period of time or specific creditor and to remove. Effective: September 28, 2006 For more information on the Substitute for SB 109, see: http://www.legis.state.de.us/LIS/lis143.nsf/EngrossmentsforLookup/SS+1+FOR+SB+109/\$file/Engross.html?open For instructions on how to place a security freeze in Delaware, see: http://www.consumersunion.org/pdf/security/securityDE.pdf
1	FL	HB 481, signed June 14, 2005. Chapter 2005-229. Effective July 1, 2005. Requires notice to consumers of material breach in the security, confidentiality or integrity of computerized, unencrypted personal information held by a person who conducts business in the state. Time limits for the notice to be given and penalties if notice is not given on time. Penalties do not apply to government agencies.
2	FL	Applies to all consumers. No fees for victims of identity theft (with investigative report) and seniors aged 65 years and older. For all others, there is a \$10 fee to place, temporarily lift or to remove a security freeze. Effective: July 1, 2006. For more information on Florida Statute Section 501.005 et seq. (2006 HB 37), see: http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0037er.doc&DocumentType=Bill&BillNumber=0037&Session=2006 For instructions on how to place a security freeze in Florida, see: http://www.consumersunion.org/pdf/security/securityFL.pdf
1	GA	SB 230, Passed into law in 2005, effective May 6, 2005. Requires notice of breach that compromises the security, confidentiality, or integrity of computerized personal information held by a data broker.
2	HI	Victims of ID theft only, with a police, investigative report or complaint filed with a law enforcement agency. No fees permitted. Effective Date: January 1, 2007. For more on Title 26 Hawaii Revised Statutes Section 1 et seq. (HB 1871) see: http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1871_hd1_.htm and for instructions on how to place a security freeze in Hawaii: www.consumersunion.org/pdf/security/securityHI.pdf
1	ID	Id. Code Ann. 28-51-104, effective July 1, 2006. Law provides notice to consumers of breach in the security of unencrypted, confidentiality, or integrity of personal information in system data held by a person or a government agency. To be required to notify, the security breach must result in a reasonable likelihood of identity theft.

1	IL	HB 1633, Public Act 094-0036, signed June 16, 2005, effective Jan. 1, 2006. Requires notice to consumers of breach in the security, confidentiality, or integrity of personal information in system data held by a person or a government agency.
2	IL	HB 1058 Victims of ID theft only, with a police report or a complaint to a law enforcement agency No fees permitted Effective date: Jan 1, 2006 http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=094-0074
1	IN	Act No. 503, Passed into law in 2005, effective June 30, 2006. Law provides notice to consumers of breach in the security, confidentiality, or integrity of computerized personal information held by a government agency.
1	KS	SB 196 will go into effect on Jan. 1, 2007. The law provides notice to consumers about a breach in the security of unencrypted, unredacted computerized personal information. To be required to notify, there must be a reasonable likelihood of harm to consumers.
2	KS	Victims of ID theft only, with a police, investigative report or complaint filed with a law enforcement agency No fees permitted Effective date: Jan 1, 2007 For more information on S.B. 196: http://www.kslegislature.org/bills/2006/196.pdf
2	KY	Applies to all consumers Fees: No fees on ID theft victims who provide a police report. Others pay up to \$10 to place, remove, temporarily suspend, or have PIN reissued. Effective Date: July 1, 2006 Expires after 7 years from date of placement or upon consumer's request, if earlier For more information on HB 54: http://www.lrc.ky.gov/record/06RS/HB54.htm
1	LA	SB 205, Act 499, signed July 12, 2005, effective January 1, 2006, or such later time if the Attorney General completes regulations. Requires notice of a breach of the security, confidentiality, or integrity of unencrypted, computerized, personal information by persons doing business in the state. No notice if, after a reasonable investigation, the data holder determines that there is "no reasonable likelihood" of harm to customers. Further exemption for those financial institutions which are in compliance with federal guidance. Authorizes civil actions to recover actual damages.
2	LA	Applies to all consumers Fees: \$10 to place, \$8 to lift, no fees for ID theft victims or persons age 62 or older Effective date: July 1, 2005 Louisiana Statutes Annotated § 9.3571(H) to (Y) How to place your security freeze in Louisiana: http://www.ag.state.la.us/calerts/alert0015.aspx
1	ME	LD 1671, signed June 10, 2006, effective January 31, 2006. Covers only information brokers. Requires notice of a breach of the security, confidentiality, or integrity of unencrypted, computerized, personal information to residents of the state. Provides civil penalties for violations.
2	ME	Applies to all consumers Fees: No fees on ID theft victims who provide a police report. Others pay up to \$10 to place, remove, temporarily suspend, or have PIN reissued, and \$12 to lift for a specific creditor. Effective date: Feb. 1, 2006. For more information on statute: http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280015326&LD=581&Type=1&SessionID=6
1	MN	H.F. 2121, Passed into law 2005, effective January 1, 2006. Requires notice of a breach of the security, confidentiality, or integrity of unencrypted, computerized, personal information by persons doing business in the state. Does not apply to financial institutions or HIPAA entities.
2	MN	Applies to all consumers. Fees: No fees on ID theft victims who provide police report. Others pay \$5 to place, remove, temporarily suspend, lift for specific creditor, or have PIN reissued. Effective date: August 1, 2006 For more information on statute (Senate Bill 2002): http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=S2002.4.html&session=ls84 To place a security freeze in Minnesota: http://www.consumersunion.org/pdf/security/securityMN.pdf
1	MT	HB 732, Passed into law in 2005, effective March 1, 2006. Law provides notice to consumers of breach in security, confidentiality, or integrity of computerized personal information held by a person or business if the breach causes or is reasonably believed to have caused loss or injury to a Montana resident.
1	NE	L.B. 876 pass in 2006. Law provides notice to consumers of a breach in the security of unencrypted, computerized personal information. To be required to notify the consumer of the security breach, there must be a reasonable likelihood that the information will be used in a way that will harm the consumer.
1	NC	SB 1048, Passed into law in 2005, effective December 1, 2005. Requires notice of breach of security of unencrypted and unredacted written, drawn, spoken, visual or electromagnetic personal information, and encrypted personal information with the confidential process or key held by a private business if the breach causes, is reasonably likely to cause, or creates a material risk of harm to residents of North Carolina. Provides civil and criminal penalties for violations.
2	NC	Applies to all consumers No fees for ID theft victims with valid report/complaint with law enforcement agency. Up to \$10 to place, remove, temporarily suspend. Effective date: December 1, 2005 For more information on statute: http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/HTML/S1048v6.html How to place your security freeze in North Carolina: http://www.ncdoj.com/DocumentStreamerClient?directory=Publications&file=securityfreeze.pdf
1	ND	SB 2251, Passed into law in 2005, North Dakota Century Code Chapter 51-30, effective June 1, 2005. Requires notice of a breach of the security of unencrypted, computerized, personal information by persons doing business in the state. Includes an expanded list of sensitive personal information, including date of birth, mother's maiden name, employee ID number, and electronic signature. Exception for those financial institutions which are in compliance with federal guidance.
1	NH	HB 1660 FN passed in 2006 and effective starting January 1, 2007. Law provides notice to consumers of a breach in the security of unencrypted, computerized personal information. If there is a reasonable likelihood of harm to the consumer, entity must inform the consumer of the breach.

2	NH	Applies to all consumers Fees: No fee for ID theft victims who submit a copy of a police report, investigative report, or complaint to a law enforcement agency, for others \$10 to place, temporarily lift or remove Effective date: January 1, 2007 For more information on statute to be enacted as New Hampshire Revised Statutes Annotated 359B:23 (SB3334): http://www.gencourt.state.nh.us/legislation/2006/SB0334.html and for instructions on how to place a security freeze in New Hampshire http://www.consumersunion.org/pdf/security/securityNH.pdf
1	NJ	A4001/S1914, Passed into law in 2005, effective January 1, 2006. Requires notice of breach of security of unencrypted computerized personal information held by a business or public entity. No notice if a thorough investigation finds misuse of the information is not reasonably possible. Written documentation of the investigation must be kept for 5 years.
2	NJ	Applies to all consumers Fees: No fee for initial freeze. Up to \$5 to remove, temporarily lift or have PIN reissued. Consumers are also permitted to make such requests directly to consumer reporting agencies via secured electronic mail. Effective date: January 1, 2006 Text of statute: http://www.njleg.state.nj.us/2004/Bills/S2000/1914_R1.PDF For more information on the security freeze law in New Jersey, see: http://www.state.nj.us/cgi-bin/governor/njnewsline/view_article.pl?id=2732 How to place your security freeze in New Jersey: http://www.njdoji.org/creditfreeze.htm
1	NV	SB 347, Passed into law 2005, effective January 1, 2006. Requires notice of breach of the security, confidentiality, or integrity of unencrypted computerized personal information by data collectors, which are defined to include government, business entities and associations who handle, collect, disseminate or otherwise deal with nonpublic personal information.
2	NV	Applies to all consumers Fees: No for ID theft victims who submit a police report, for others \$15 to place, \$18 to lift, \$20 to lift for one creditor Effective date: October 1, 2005. For more information on statute: http://www.leg.state.nv.us/73rd/bills/SB/SB80_EN.pdf
1	NY	A4254, A3492, Passed into law in 2005, effective 120 days after September 20, 2005. Requires notice of breach of security of computerized unencrypted, or encrypted with acquired encryption key, personal information held by both public and private entities. The State Attorney General, the State Consumer Protection Board and the Office of Cyber Security and Critical Infrastructure Coordination must also be notified of the breach of security to protect the residents of New York. Authorizes Attorney General to bring actions on behalf of affected residents.
2	NY	Applies to all consumers. Free to place first time for everyone. After first time, or to lift temporarily or remove there is a \$5 fee except for victims who pay no fee. Effective Date: November 1, 2006
1	OH	HB 104, Signed into law November 17, 2005, effective February 15, 2006. Requires notice of breach of the security or confidentiality of computerized personal information, held by a state agency, political subdivision or business is reasonably believed to have caused or reasonably is believed will cause a material risk of identity theft or other fraud to an Ohio resident. Personal information includes information that describes anything about a person, including actions or certain personal characteristics, and can be retrieved from a system by a name, identifying number symbol, or other identifier.
2	OK	Applies to all consumers, no fees for ID theft victims with investigative report and no fees for seniors 65 years +. Effective Date: January 1, 2007 For more information on this Title 24 of Oklahoma Statutes Sections 149 and 150 (SB 1748): http://www.lsb.state.ok.us/ then click on text if measures, select Senate, 2006 Regular Session and Enrolled-then click search. Scroll down to SB 1748. How to place your security freeze in Oklahoma: http://www.consumersunion.org/pdf/security/securityOK.pdf
1	PA	SB 712, Signed into law December 22, 2005, effective June 30, 2006. Requires notice of breach of the security or confidentiality of computerized personal information, held by a state agency, political subdivision or business is reasonably believed to have caused or will cause loss or injury to any Pennsylvania resident. Personal information includes information accessed and acquired in unencrypted form, if the security breach is linked to a breach of the security of the encryption or if the breach involved a person with access to the encryption key. Exception for those financial institutions which are in compliance with federal guidance.
2	PA	Applies to all consumers, \$10 to place but no fees for ID theft victims or seniors 65 years +. Freeze lasts 7 years. Effective: Jan. 1, 2007 For more information on SB 180, see: http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2005&ind=0&body=S&type=B&N=0180 How to place your security freeze in Pennsylvania, see: http://www.consumersunion.org/pdf/security/securityPA.pdf
1	RI	H. 6191, enacted July 10, 2005, effective March 1, 2006, Requires notice of a breach of the security, confidentiality or integrity of unencrypted, computerized, personal information by persons and by state agencies. Does not apply to HIPAA entities. Entities covered by another state or federal law are exempt only if that other law provides greater protection to consumers.
2	RI	Applies to all consumers, no fees for ID theft victims or seniors 65 years +. Effective Date: Jan. 1, 2007 For more information about Rhode Island Statutes 6-48-1 et seq. (H7148), see: http://www.rilin.state.ri.us/Billtext/BillText06/HouseText06/H7148Aaa.pdf How to place your security freeze in Rhode Island, see: http://www.consumersunion.org/pdf/security/securityRI.pdf
2	SD	Applies to identity theft victims with a police report No fees, only freezes credit report, expires after 7 years from date of placement or upon consumer's request, if earlier Effective date: July 1, 2006 Text of statute: http://legis.state.sd.us/sessions/2006/bills/SB180enr.htm
1	TN	SB 2220, Passed into law in 2005, amends Tennessee Code Title 47 Chapter 18, Part 21, effective July 1, 2005. Requires notice of a breach of the security, confidentiality, or integrity of unencrypted, computerized, personal information by persons doing business in the state. Does not apply to persons subject to Title V of the Gramm-Leach-Bliley Act (financial institutions).
1	TX	SB 122, Passed into law in 2005, effective September 1, 2005, Requires notice of a breach of the security, confidentiality, or integrity of unencrypted, computerized, personal information by persons who conduct businesses in the state. Authorizes Attorney General to seek civil penalties for violations.

2	TX	Applies to identify theft victims with a police report No fees Placement at one CRA must be honored by all Effective date: September 1, 2003 Texas Business & Commerce Code Ann. § 20.031 to 20.039 Text of statute (see Chapter 20, Section 031 - REQUESTING SECURITY ALERT from link below): http://www.capitol.state.tx.us/statutes/bc.toc.htm
1	UT	SB 69 will go into effect on January 1, 2007. Law requires notice of a breach of the security of computerized personal information that is not protected by a method that makes the information unusable. Those entities regulated by other state or federal laws are exempt from this one. If there is a reasonable likelihood of harm to the consumer, then the entity must inform the consumer of the breach.
2	UT	Applies to all consumers Reasonable fees Consumer can temporary lift or "thaw" freeze within 15 minutes of electronic request Effective date: September 1, 2008 Text of statute: http://www.le.state.ut.us/~2006/bills/sbillenr/sb0071.htm
2	VT	Applies to identify theft victims with a police report or a complaint to a law enforcement agency No fees Effective date: July 1, 2005 Vermont Statutes Annotated, Title 9, Sections 2480a to 2480j Text of statute: http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT155.HTM How to place your security freeze in Vermont, see: http://www.atg.state.vt.us/display.php?smod=198
1	WA	SB 6043, Signed May 10, 2005, effective in July 24, 2005. Requires notice of a breach of the security, confidentiality, or integrity of unencrypted, computerized, personal information by persons, businesses and government agencies. Notice is not required when there is a technical breach of the security of the system which does not seem reasonably likely to subject customers to a risk of criminal activity. Imposes civil liability for damages caused by failure to give notice as required.
2	WA	Applies to identify theft victims, including persons who receive a notice of a security breach of computerized personal information No fees Effective date: July 24, 2005 Chapter 342, Laws of 2005, to be codified at Sec. 19.182 RCW. Text of statute: http://www.leg.wa.gov/pub/billinfo/2005-06/Htm/Bills/Session%20Law%202005/5418.SL.htm How to place your security freeze in Washington, see: http://www.atg.wa.gov/AskAG/AskAG_CreditFreeze_20051010.shtml
1	WI	SB 164. Law requires notice to the consumer when information is taken in a security breach that is not encrypted, redacted or altered in any manner rendering the information unreadable. This includes DNA and biometric data. The entity need only provide notice if it knows that personal information has been acquired by an unauthorized person. And there is a material risk of identity theft or fraud.
2	WI	Applies to all consumers No fee for an "individual who submits evidence satisfactory to the CRAs that the individual made a report to a law enforcement agency. Up to \$10 for others to place, thaw or remove freeze. Passed March 16, 2006. Effective Date: January 1, 2007 Text of Statute: http://www.legis.state.wi.us/2005/data/AB-912.pdf

Source: Consumers Union