

SUMMARY ANALYSIS OF AMENDED BILL

Author: Simitian Analyst: Deborah Barrett Bill Number: SB 364
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: June 18, 2008
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agencies Disclose Any Breach Of Security Of Data Systems That Contain Personal Information & Submit Notification Sent to Attorney General

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY.
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED January 28, 2008, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would require a state agency, person, or business that is required to send a notice of a breach of security of a system containing personal information (notice) to California residents, the notice must meet certain requirements and in certain circumstances a sample of the notice must be submitted electronically to the Attorney General.

SUMMARY OF AMENDMENTS

The June 18, 2008 amendments would do the following:

- Remove requirements for state agencies to inform the Office of Privacy Protection when a notice of security breach is issued,
- Specify the type of information required to be included in a notification of a breach of security of a system containing personal information. and
- Require state agencies to submit a sample notice electronically to the Attorney General when certain thresholds are met.

As a result of the June 18, 2008 amendments, the “This Bill” discussion is revised. The remainder of the department’s analysis of the bill as amended January 28, 2008, still applies.

Board Position:	Legislative Director	Date
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POSITION

Pending.

THIS BILL

When current law requires a state agency, person, or business to send a notice of a breach of security of a system containing personal information (notice) to California residents, the breach of security notification must be written in plain language and is required to include, at a minimum, the following:

- The name and contact information of the reporting agency.
- A list of the types of information, such as name or social security number, that were or may have been the subject of a breach.
- The approximate date of a breach, if known, and the date of the notification.
- Whether the notification was delayed as a result of a law enforcement investigation.
- A general description of the breach incident.
- The estimated number of persons affected by the breach.
- The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed a bank account or credit card number, a social security number or a driver's license or California Identification Card number.

At the discretion of the agency, the security breach notification may also include:

- Information about what the agency has done to protect individuals whose information has been breached.
- Advice the person whose information has been breached actions they may take to protect himself or herself.

An agency that is required to issue the breach of security notice must also submit electronically to the Attorney General a single sample copy of any security breach notification letter sent to over 1,000 California residents or a single sample copy of any substitute security breach notification sent to California residents.

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