

SUMMARY ANALYSIS OF AMENDED BILL

Author: Simitian Analyst: Deborah Barrett Bill Number: SB 364
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: July 1, 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 X January 17, 2008, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would authorize state agencies, persons, and businesses that are required to send a notice of a breach of security of a system containing personal information (notice) to California residents to, as a matter of discretion, include additional information to the resident, and in certain circumstances a sample of the notice must be submitted electronically to the Attorney General.

SUMMARY OF AMENDMENTS

The July 1, 2008, amendments would do the following:

- Remove specific information required to be included in a notice,
- Authorize a state agency at its discretion to include information that may be helpful to the resident, and
- Added operative date language making this bill operative only if AB 1779 of the 2007-08 Regular Session is enacted and takes effect on or before January 1, 2009.

Based on the July 1, 2008, amendments, the “Effective/Operative Date” and “This Bill” discussions are revised. The remainder of the department’s analysis of the bill as amended June 18, 2008, still applies.

Board Position:	Legislative Director	Date
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EFFECTIVE/OPERATIVE DATE

This bill would be effective on January 1, 2009, and as specified in the bill, would only be operative if AB 1779 of the 2007-08 Regular Session is enacted and takes effect on or before January 1, 2009.

POSITION

Pending.

THIS BILL

When current law requires state agencies, persons, and businesses to send a notice of a breach of security of a system containing personal information (notice) to California residents, the agency, at its discretion, may include the following:

- Information about what the agency has done to protect individuals whose information has been breached.
- Advice on steps that the person whose information has been breached 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.

This bill would be operative only if AB 1779 of the 2007-08 Regular Session is enacted and takes effect on or before January 1, 2009.

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