

**SUMMARY ANALYSIS OF AMENDED BILL**

Author: Simitian Analyst: Deborah Barrett Bill Number: SB 20  
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: June 16, 2009  
 Attorney: Patrick Kusiak Sponsor: \_\_\_\_\_

**SUBJECT:** State Agencies Notify California Residents Of Any Breach Of Security Of System Or Data/Additional Notification Requirements/If Notification To More Than 500 Residents Must Also Submit Electronically To Attorney General

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced December 1, 2008.

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 INTRODUCED December 1, 2008, STILL APPLIES.

OTHER – See comments below.

**POSITION**

Pending.

THIS BILL

This bill would change existing breach of security notification requirements to require the notice to be written in plain English and include the following information in the notices issued by a state agency to a California resident:

- Name and contact information of the reporting agency subject to breach and notification requirement.
- A list of the types of personal information, as defined, that were or are reasonably believed to have been subject to a breach.
- The date, estimated date, or date range within which the breach occurred, if that information is possible to determine at the time the notice is provided.
- The date of the notice.

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- Whether the notification was delayed because of a law enforcement investigation if that information is available at the time the notice is provided.
- A general description of the breach incident.
- The estimate number of persons affected by the breach, if that information is available at the time the notice is provided..
- The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed a social security number or driver's license or California identification card number.

This bill would provide that at the discretion of the state agency, the notice may include the following additional information:

- 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.

This bill would provide that any agency that must issue a security breach notification to more than 500 California residents as a result of a single breach of the security system shall electronically submit a single sample copy of that security breach notification excluding any personally identifiable information to the Attorney General. The bill would specify that the notice provided to the Attorney General would not be excludable from Public Records Act requests.

This bill would also provide that if a state agency uses substitute notice, notification must be sent to the Office of Information Security within the Office of the Chief Information Officer.

#### IMPLEMENTATION CONSIDERATIONS

Implementing the provisions of this bill would not impact department programs or operations.

#### **LEGISLATIVE STAFF CONTACT**

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