

State Agency Notice Requirements for Data Breaches Chart

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A chart that sets out state requirements for notifying state agencies and state law enforcement authorities in the event of a data breach involving the personal information of individuals.

Most states have adopted data breach notification laws requiring businesses and other entities to notify affected individuals when a data breach involving personal information occurs. In addition to requiring notice to affected individuals, some states require that notice of the breach be made to certain state agencies and law enforcement authorities (typically to the state attorney general's office or office of consumer protection).

Among states that have these state agency notice requirements, the specific obligations vary. The chart below provides a list of states that have these requirements and gives the following details:

- The state agency that must be notified.
- Specified requirements on the timing or method of providing the notice. Two states (Maryland and New Jersey) require that notice to the relevant state agency be made

before notice is made to the affected individuals. A couple of states (for example, New York) have a standard form to use for the notice.affected individuals. A couple of states (for example, New York) have a standard form to use for the notice.

- Whether notice is required only if the breach affects a certain threshold number of individuals. For example, some states only require notice to the specified state agency if the breach affects more than 1,000 individuals from that state.
- Specific information that the notice must include, if any.

Although the chart below provides a useful starting point for determining state requirements, the specific data breach notification laws of each relevant state should be checked regularly because the law in this area changes rapidly. The National Conference of State Legislatures maintains a list of State Security Breach Notification Laws with links to the text of each law. For more information on US data breach notification laws generally and tips on how to prepare for and respond to a data security breach, see *Practice Note, Privacy and Data Security: Breach Notification* (<http://us.practicallaw.com/3-501-1474>). For a sample breach notice letter to individuals, see *Standard Document, Data Breach Notice Letter* (<http://us.practicallaw.com/3-501-7348>).

State	State Agency	Notice Timing and Method	Affected Individual Threshold	Content Requirements
California (<i>Cal. Civ. Code</i> §§ 1798.29 and 1798.82)	Attorney General	Notice must be submitted electronically using California's security breach reporting form.	500	Notice must include a single sample copy of the notice to consumers, excluding any personally identifiable information.
Connecticut (<i>Conn. Gen. Stat.</i> § 36a-701b)	Attorney General	Notice should be provided no later than the time notice is provided to the individual.	None.	None specified.

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Florida <i>(Fla. Stat. § 501.171)</i>	Department of Legal Affairs (Attorney General)	<p>Notice must be provided as expeditiously as practicable and no later than 30 days after determination of a breach or reason to believe a breach occurred.</p> <p>The covered entity also must provide written notice to the Department if it reasonably determines that notice to affected individuals is not required because the breach has not and will not likely result in identity theft or any other financial harm. This notice must be provided within 30 days after determination.</p> <p>Certain governmental agencies may provide notice on an agency-managed website instead of notifying the Department.</p>	500 individuals in Florida.	<p>Notice must include:</p> <ul style="list-style-type: none"> ■ Synopsis of events surrounding the breach at the time notice is provided. ■ Number of individuals in Florida actually or potentially affected by the breach. ■ Any services related to the breach being offered without charge to individuals and instructions on how to use these services. ■ A copy of the notice or an explanation of the other actions taken in connection with providing notice to individuals. ■ Name, address, telephone number and e-mail address of the covered entity's agent from whom additional information about the breach may be obtained
Hawaii <i>(Haw. Rev. Stat. § 487N-2(f))</i>	Office of Consumer Protection	Notice must be made without unreasonable delay.	1,000	Notice must specify the timing, distribution and content of the notice to individuals.
Indiana <i>(Ind. Code §§ 24-4.9-3-1 and 24-4.9-3-4)</i>	Attorney General	<p>Notice must be made without unreasonable delay.</p> <p>Notice should be made by using Indiana's breach notification form, which may be submitted online or via email or fax.</p>	None.	None specified.
Iowa <i>(Iowa Code §§ 715C.2)</i>	Attorney General's Office, Director of the Consumer Protection Division	Notice must be made in writing within five business days after notice to any consumer of the breach.	500 state residents.	None specified.
Louisiana <i>(La. Admin. Code tit. 16, § 701 and La. Rev. Stat. Ann. § 51:3074)</i>	Attorney General's Office, Consumer Protection Section	Notice must be made within ten days of distribution of notice to Louisiana citizens.	None.	Notice must include names of all individuals affected by the breach.
Maine <i>(Me. Rev. Stat. tit. 10 § 1348(5))</i>	Attorney General	None specified.	None.	None specified.
Maryland <i>(Md. Code, Com. Law § 14-3504 (h))</i>	Attorney General	Notice must be made before notifying affected individuals.	None.	None specified.

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Massachusetts <i>(Mass. General Laws ch. 93H, § 3(b))</i>	Attorney General and Director of Consumer Affairs and Business Regulation	Notice must be made as soon as practicable and without unreasonable delay. Notice may be made by letter.	None.	Notice must specify: <ul style="list-style-type: none"> ■ Nature of the security breach or unauthorized acquisition or use. ■ Number of Massachusetts residents affected by the incident at the time of notification. ■ Any steps the entity has taken or plans to take relating to the incident.
Missouri <i>(Mo. Rev. Stat. § 407.1500)</i>	Attorney General	Notice must be made without unreasonable delay.	1,000	Notice must include the timing, distribution and content of the notice to individuals.
New Hampshire <i>(N.H. Rev. Stat. § 359-C:20(l)(b))</i>	Attorney General	Notice before notifying individuals is permitted but not required.	None.	Notice must specify: <ul style="list-style-type: none"> ■ Anticipated date of notice to affected individuals. ■ Approximate number of individuals in New Hampshire affected by the breach.
New Jersey <i>(N.J. Stat. § 56:8-163)</i>	Department of Law and Public Safety Division, State Police	Notice must be made before notifying affected individuals.	None.	Notice must include any information pertaining to the breach.
New York <i>(N.Y. Gen. Bus. Law § 899-aa(8)(a))</i>	Department of State, Division of Consumer Protection and Division of State Police (or, for state entities, Office of Information Technology Services) and Attorney General	Notice should be made using New York's security breach reporting form sent by fax or email.	None.	Notice must include the timing, content and distribution of the notice to individuals, as well as the approximate number of affected individuals.
North Carolina <i>(N.C. Gen. Stat. § 75-65(f))</i>	Attorney General, Consumer Protection Division	Notice must be made without unreasonable delay. Notice should be made using North Carolina's security breach reporting form.	None.	Notice must specify: <ul style="list-style-type: none"> ■ Nature of breach. ■ Number of consumers affected. ■ Steps taken to investigate the breach. ■ Steps taken to prevent a similar breach. ■ Information on timing, distribution and content of notice to individuals.

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South Carolina (S.C. Code § 39-1-90(k))	Department of Consumer Affairs, Consumer Protection Division	Notice must be made without unreasonable delay.	1,000	Notice must include information on timing, distribution and content of notice to individuals.
Vermont (Vt. Stat. tit. 9 § 2435)	Attorney General or the Department of Financial Regulation, if appropriate.	Attorney General or the Department of Financial Regulation, if appropriate.	None.	<p>Notice must specify:</p> <ul style="list-style-type: none"> ■ The date of the breach (if known, or as soon as it is known). ■ The date of discovery of the breach. ■ A preliminary description of the breach. <p>When the data collector notifies affected consumers it must also provide:</p> <ul style="list-style-type: none"> ■ The number of affected Vermont consumers. ■ A copy of the notice to consumers.
Virginia (Va. Code § 18.2-186.6(E))	Attorney General	Notice before notifying individuals is not required but must be made without unreasonable delay. Notice may be made by letter.	None.	If more than 1,000 residents are notified, the notice must specify the timing, distribution and content of the notice to individual residents.

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