

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [Bill Number]

Security breach notification.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to consumer protection; specifying notice
2 requirements to consumers affected by breaches of personal
3 identifying information; providing for damages as
4 specified; requiring identity theft prevention and
5 mitigation services for affected Wyoming residents as
6 specified; and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 40-12-502(e) (intro), by creating new
11 paragraphs (ii) through (viii) and by creating new
12 subsections (h) and (j) is amended to read:

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1 **40-12-502. Computer security breach; notice to**
2 **affected persons.**

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4 (e) Notice required under subsection (a) of this
5 section shall be clear and conspicuous and shall include,
6 at a minimum:

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8 (ii) The types of personal identifying
9 information that were or are reasonably believed to have
10 been the subject of the breach;

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12 (iii) A general description of the breach
13 incident;

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15 (iv) The approximate date of the breach of
16 security, if that information is reasonably possible to
17 determine at the time notice is provided;

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19 (v) In general terms, the actions taken by the
20 individual or commercial entity to protect the system
21 containing the personal identifying information from
22 further breaches;

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2 (vi) Advice that directs the person to remain
3 vigilant by reviewing account statements and monitoring
4 credit reports;

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6 (vii) Whether notification was delayed as a
7 result of a law enforcement investigation, if that
8 information is reasonably possible to determine at the time
9 the notice is provided;

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11 (viii) If the individual or commercial entity
12 providing the notification was the source of the breach,
13 notice of the right to identity theft prevention and
14 mitigation services as required by subsection (j) of this
15 section.

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17 (h) In addition to any penalty provided for in
18 subsection (f) of this section, any individual or
19 commercial entity that violates the provisions of this
20 section shall be liable to the affected Wyoming resident in
21 an amount equal to the sum of all actual damages sustained
22 as a result of the violation, plus court costs and

1 reasonable attorney fees.

2

3 (j) An individual or commercial entity that knows
4 that it is the source of a breach of the security of the
5 system shall provide identity theft prevention and
6 mitigation services to any Wyoming resident whose
7 information was or may have been breached at no cost and
8 for not less than twelve (12) months.

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10 **Section 2.** This act is effective July 1, 2015.

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(END)