

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DISCLOSURE OF PERSONAL INFORMATION; AMENDING SECTION 28-51-105,  
2 IDAHO CODE, TO PROVIDE FOR APPLICATION TO CITY, COUNTY AND STATE  
3 AGENCIES, TO PROVIDE FOR NOTICE TO AFFECTED IDAHO RESIDENTS BY  
4 AGENCIES, TO PROVIDE FOR NOTICE BY AGENCIES TO THE OFFICE OF THE IDAHO  
5 ATTORNEY GENERAL IN THE EVENT OF CERTAIN BREACHES OF SECURITY, TO  
6 CLARIFY THAT CERTAIN REPORTING REQUIREMENTS CONTINUE TO APPLY TO STATE  
7 AGENCIES AND TO PROVIDE FOR VIOLATIONS AND PENALTIES.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 28-51-105, Idaho Code, be, and the same is  
11 hereby amended to read as follows:

12 28-51-105. DISCLOSURE OF BREACH OF SECURITY OF COMPUTERIZED PERSONAL  
13 INFORMATION BY AN AGENCY, INDIVIDUAL OR A COMMERCIAL ENTITY. (1) ~~An agency~~  
14 city, county or state agency, individual or a commercial entity that  
15 conducts business in Idaho and that owns or licenses computerized data  
16 that includes personal information about a resident of Idaho shall, when  
17 it becomes aware of a breach of the security of the system, conduct in good  
18 faith a reasonable and prompt investigation to determine the likelihood  
19 that personal information has been or will be misused. If the investigation  
20 determines that the misuse of information about an Idaho resident has  
21 occurred or is reasonably likely to occur, the agency, individual or the  
22 commercial entity shall give notice as soon as possible to the affected  
23 Idaho resident. Notice must be made in the most expedient time possible and  
24 without unreasonable delay, consistent with the legitimate needs of law  
25 enforcement and consistent with any measures necessary to determine the  
26 scope of the breach, to identify the individuals affected, and to restore the  
27 reasonable integrity of the computerized data system.

28 When an agency becomes aware of a breach of the security of the system,  
29 it shall, within twenty-four (24) hours of such discovery, notify the office  
30 of the Idaho attorney general. Nothing contained herein relieves a state  
31 agency's responsibility to report a security breach to the office of the  
32 chief information officer within the department of administration, pursuant  
33 to the information technology resource management council policies.

34 Any governmental employee that intentionally discloses personal  
35 information not subject to disclosure otherwise allowed by law, is guilty of  
36 a misdemeanor and, upon conviction thereof, shall be punished by a fine of  
37 not more than two thousand dollars (\$2,000), or by imprisonment in the county  
38 jail for a period of not more than one (1) year, or both.

39 (2) An agency, individual or a commercial entity that maintains  
40 computerized data that includes personal information that the agency,  
41 individual or the commercial entity does not own or license shall give notice  
42 to and cooperate with the owner or licensee of the information of any breach

1 of the security of the system immediately following discovery of a breach,  
2 if misuse of personal information about an Idaho resident occurred or is  
3 reasonably likely to occur. Cooperation includes sharing with the owner or  
4 licensee information relevant to the breach.

5 (3) Notice required by this section may be delayed if a law enforcement  
6 agency advises the agency, individual or commercial entity that the  
7 notice will impede a criminal investigation. Notice required by this  
8 section must be made in good faith, without unreasonable delay and as  
9 soon as possible after the law enforcement agency advises the agency,  
10 individual or commercial entity that notification will no longer impede the  
11 investigation.