

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 35 Session of 2017

INTRODUCED BY THOMAS, JANUARY 23, 2017

REFERRED TO COMMITTEE ON COMMERCE, JANUARY 23, 2017

AN ACT

1 Amending the act of December 22, 2005 (P.L.474, No.94), entitled
 2 "An act providing for the notification of residents whose
 3 personal information data was or may have been disclosed due
 4 to a security system breach; and imposing penalties,"
 5 providing for disposal of materials containing personal
 6 information.

7 The General Assembly of the Commonwealth of Pennsylvania
 8 hereby enacts as follows:

9 Section 1. The act of December 22, 2005 (P.L.474, No.94),
 10 known as the Breach of Personal Information Notification Act, is
 11 amended by adding a section to read:

12 Section 5.1. Disposal of materials containing personal
 13 information.

14 (a) Method of disposal.--A person shall dispose of material
 15 containing personal information in a manner that renders the
 16 personal information unreadable, unusable and undecipherable.

17 Proper disposal methods include, but are not limited to:

18 (1) Redaction, burning, pulverization or shredding of
 19 paper documents so that personal information cannot
 20 practicably be read or reconstructed.

1 (2) Destruction or erasure of electronic media and other
2 non-paper media so that personal information cannot
3 practicably be read or reconstructed.

4 (b) Third party contracts.--A person disposing of materials
5 containing personal information may contract with a third party
6 to dispose of the materials in accordance with this section. A
7 third party that contracts with a person to dispose of materials
8 containing personal information shall implement and monitor
9 compliance with policies and procedures that prohibit
10 unauthorized access to, acquisition of or use of personal
11 information during the collection, transportation and disposal
12 of materials containing personal information.

13 (c) Penalties.--A person, including a third party referenced
14 in subsection (b), who violates this section is subject to a
15 civil penalty of not more than \$100 for each individual with
16 respect to whom personal information is disposed of in violation
17 of this section. A civil penalty may not, however, exceed
18 \$50,000 for each instance of improper disposal of materials
19 containing personal information. The Attorney General may impose
20 a civil penalty after notice to the person accused of violating
21 this section and an opportunity for hearing. The Attorney
22 General may file a civil action in the appropriate court of
23 common pleas to recover a penalty imposed under this section.

24 (d) Action by Attorney General.--In addition to the
25 authority to impose a civil penalty under subsection (c), the
26 Attorney General may bring an action in the appropriate court of
27 common pleas to remedy a violation of this section, seeking any
28 appropriate relief.

29 (e) Exceptions.--A financial institution subject to 15
30 U.S.C. Ch. 94 (relating to privacy) or a person subject to 15

1 U.S.C. § 1681w (relating to disposal of records) is exempt from
2 this section.

3 Section 2. This act shall take effect in 60 days.