

California

Cal. Civ. Code 1798.82 *et seq.*

Quick Links

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Quick Facts

Is “Personal Information” broader than the general definition? ¹	✓ Yes
Does the law apply to paper records?	✗ No
Is notification triggered by access only?	✗ No
Is a risk-of-harm analysis permitted?	✗ No
Is notice to a state agency or AG required?	✓ Yes, if more than 500 California residents are notified
Is there a specific deadline for individual notices?	✗ No
Is there a specific format or language that must be included in the individual notice?	✓ Yes
Is a private right of action permitted?	✓ Yes

“Breach” Definition

The unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information.

“Personal Information” Definition

1. An individual’s first name or first initial and last name in combination with any one or more of the following:
 - a. Social security number
 - b. Driver’s license, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual

¹ The general definition of “Personal Information” is an individual’s name in combination with any one or more of the following: (1) Social Security number; (2) driver’s license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

- c. Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account
 - d. Medical information
 - e. Health insurance information
 - f. Unique biometric information generated from measurements or technical analysis of human body characteristics
 - g. Information or data collected through the use or operation of an automated license plate recognition system
 - h. Genetic data, or
2. A username or email address, in combination with a password or security question and answer that would permit access to an online account.

Notification Trigger

Following discovery or notification of the breach

- 1. Entity that owns or licenses personal information shall notify California residents without unreasonable delay following discovery or notification of the breach.
- 2. Entity that only maintains or stores personal information shall notify the owner or licensee immediately following discovery or notification of the breach

Risk-of-Harm Analysis Standard

N/A

Special Form/Content of Consumer Notice

The notification must:

- 1. Be written in plain language
- 2. Be titled "Notice of Data Breach," and shall present the information described in paragraph (2) under the following headings: "What Happened," "What Information Was Involved," "What We Are Doing," "What You Can Do," and "For More Information"
- 3. Include the name and contact information of the reporting person or business
- 4. List the types of personal information that were or are reasonably believed to have been breached
- 5. Whether notification was delayed because of law enforcement investigation
- 6. A general description of the breach incident, if that information is possible to determine at the time the notice is provided
- 7. The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed a social security number or a driver's license or California identification card number
- 8. If reporting person or business providing the notification was the source of the breach, an offer to provide 12 months of complementary appropriate identity theft prevention and mitigation services
- 9. Be dated
- 10. If possible, any of the following: (i) the date of the breach, (ii) the estimated date of the breach, or (iii) the date range within which the breach occurred

AG Notice Trigger/Deadline

Notice to the California Attorney General is required, expediently and without unreasonable delay, if notice to 500 or more California residents is required.

Notification to Consumer Reporting Agencies Threshold

N/A