

New Jersey

N.J.S.A. § 56:8-161*et seq.*

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Quick Facts

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

“Breach” Definition

The unauthorized access to electronic files, media or data containing personal information.

“Personal Information” Definition

1. An individual's first name or first initial and last name linked with any one or more of the following:
 - a. Social Security number
 - b. Driver's license number or State identification card number
 - 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, or
 - d. Username, email address, or any other account holder identifying information, in combination with any password or security question and answer that would permit access to an online account.

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.

Notification Trigger

Following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall disclose the breach to each state resident as soon as practicable and without unreasonable delay after the discovery of the breach.
2. Entity that does not own or have the right to license the personal information shall notify the owner or licensee immediately following discovery of the breach.

Risk of Harm Analysis Standard

Disclosure of a breach of security to a customer shall not be required if the entity establishes that misuse of the information is not reasonably possible.

AG Notice Trigger/Deadline

Notice must be made to the Division of State Police in the Department of Law and Public Safety before disclosing to affected consumers.

Notification to Consumer Reporting Agencies Threshold

If more than 1,000 individuals are notified in one incident, then an entity must provide notice to all consumer reporting agencies without unreasonable delay.