

New York

N.Y. Gen. Bus. Law 899-aa

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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?	✓ Yes
Is a risk-of-harm analysis permitted?	✓ Yes, if disclosure is inadvertent
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?	✓ Yes
Is a private right of action permitted?	✗ No

“Breach” Definition

The unauthorized access to or acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information.

“Personal Information” Definition

1. Any information in combination with any one or more of the following:
 - a. Social Security number
 - b. Driver's license number or non-driver identification card number
 - c. Account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial 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.

- d. Account number, or credit or debit card number, if circumstances exist wherein such number could be used to access to an individual's financial account without additional identifying information, security code, access code, or password, or
 - e. Biometric information.
2. A username or e-mail 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 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

Notice to affected persons under this section is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the person or business reasonably determines such exposure will not likely result in misuse of such information, or financial harm to the affected persons or emotional harm in the case of unknown disclosure of online credentials.

Special Form/Content of Consumer Notice

Such notice shall include:

1. Contact information for the person or business making the notification
2. The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information, and
3. A description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization

AG Notice Trigger/Deadline

If a New York resident is notified, the Attorney General must also be notified.

Notification to Consumer Reporting Agencies Threshold

If more than 500 individuals are notified in one incident, then an entity must provide notice to all consumer reporting agencies without unreasonable delay.