

North Carolina

N.C. Gen. Stat. §§ 75-61, 75-65

Quick Links

[Statute](#)

[AG Website](#)

Quick Facts

Is “Personal Information” broader than the general definition? ¹	✓ Yes
Does the law apply to paper records?	✓ Yes
Is notification triggered by access only?	✗ No
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?	✓ Yes
Is notice to consumer reporting agency?	✓ Yes, if more than 1,000 North Carolina residents are notified
Is a private right of action permitted?	✓ Yes

“Breach” Definition

Unauthorized access to and acquisition of unencrypted and unredacted records or data containing personal information where illegal use of the personal information has occurred or is reasonably likely to occur or that creates a material risk of harm to a consumer.

“Personal Information” Definition

1. A person's first name or first initial and last name in combination with:
 - a. Social security or employer taxpayer identification numbers
 - b. Driver’s license, State identification card, or passport numbers

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. Checking account numbers
- d. Savings account numbers
- e. Credit card numbers
- f. Debit card numbers
- g. Personal Identification (PIN) Code
- h. Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names
- i. Digital signatures
- j. Any other numbers or information that can be used to access a person's financial resources
- k. Biometric data
- l. Fingerprints
- m. Passwords; or
- n. Parent's legal surname prior to marriage

Personal information does not include electronic identification numbers, electronic mail names or addresses, Internet account numbers, Internet identification names, parent's legal surname prior to marriage, or a password unless this information would permit access to a person's financial account or resources.

Notification Trigger

Following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall notify North Carolina residents without unreasonable delay.
2. Entity that only maintains or possesses personal information that it does not own or license must notify the owner or licensee immediately.

Risk-of-Harm Analysis Standard

Notification is not required where illegal use has not and is not reasonably likely to occur, and the breach does not create a material risk of harm to an individual.

Special Form/Content of Consumer Notice

Notification shall include all of the following:

1. A description of the incident in general terms
2. A description of the types of personal information that was accessed
3. A description of the general acts of the business to protect the personal information from further unauthorized access
4. A telephone number for the business that the person may call for further information and assistance, if one exists
5. Advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports
6. The toll-free numbers and addresses for the major consumer reporting agencies; and

7. The toll-free numbers, addresses, and Web site addresses for the Federal Trade Commission and the North Carolina Attorney General's Office, along with a statement that the individual can obtain information from these sources about preventing identity theft.

AG Notice Trigger/Deadline

If an entity provides notice to an affected person of a security breach, then the entity shall notify the Consumer Protection Division of the Attorney General's Office without unreasonable delay.

The notice shall include:

1. the of the nature of the breach
2. the number of consumers affected by the breach
3. steps taken to investigate the breach
4. steps taken to prevent a similar breach in the future; and
5. information regarding the timing, distribution, and content of the notice.

Notification to Consumer Reporting Agencies Threshold

If an entity provides notice to more than 1,000 North Carolina residents, then the entity must notify, without unreasonable delay, the major consumer reporting agencies of the timing, distribution, and content of the notice.