

North Dakota

N.D. Cent. Code §§ 51-30-01 *et seq.*

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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 250 or more 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?	✗ No
Is a private right of action permitted?	✓ Yes

“Breach” Definition

The unauthorized acquisition of computerized personal information.

“Personal Information” Definition

1. An individual’s first name or first initial and last name in combination with:
 - a. The individual’s social security number
 - b. The operator’s license number assigned to an individual by the department of transportation
 - c. A nondriver color photo identification card number assigned to the individual by the department of transportation

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. The individual's financial institution account number, credit card number, or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial accounts
- e. The individual's date of birth
- f. The maiden name of the individual's mother
- g. Medical information
- h. Health insurance information
- i. An identification number assigned to the individual by the individual's employer in combination with any required security code, access code, or password, or
- j. The individual's digitized or other electronic signature.

Notification Trigger

Following discovery or notification of the breach:

1. Entity that owns or license personal information shall notify North Dakota residents "in most expedient time possible" 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" of the breach if they discover that personal information may have been acquired by an unauthorized person.

Risk-of-Harm Analysis Standard

N/A

Special Form/Content of Consumer Notice

N/A

AG Notice Trigger/Deadline

If the unencrypted personal information of more than 250 individuals is breached, then the data controller must disclose the breach to the attorney general.

Notification to Consumer Reporting Agencies Threshold

N/A