Pennsylvania

3 P.S. § 2301, *et seq*.

Quick Links

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?	✘	No
Is a risk-of-harm analysis permitted?	✓	Yes
Is notice to a state agency or AG required?	✘	No
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 and acquisition of computerized data that materially compromises the security or confidentiality of personal information and that causes or the entity reasonably believes has caused or will cause loss or injury to any resident of this Commonwealth.

"Personal Information" Definition

1. An individual's first name or first initial and last name in combination with and linked to any one or more of the following:

    a. Social Security number

    b. Driver's license number or a State identification card number issued in lieu of a driver's license, or

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[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. Financial account number, 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.

Notification Trigger

Following discovery or notification of the breach:

1. Entity that <u>owns</u> or <u>licenses</u> 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 <u>does not own or have the right to license</u> the personal information shall notify the owner or licensee immediately following discovery of the breach.

Risk of Harm Analysis Standard

If there is not a reasonable likelihood that the affected individuals' personal Information has not been accessed or acquired by an unauthorized person, then notification is not needed.

Special Form/Content of Consumer Notice

N/A

AG Notice Trigger/Deadline

N/A

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.