

Puerto Rico

10 P.R. Laws Ann. §§ 4051–4055

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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?	✗ No
Is notice to a state agency or AG required?	✓ Yes, within 10 days
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?	✗ No
Is a private right of action permitted?	✓ Yes

“Breach” Definition

Situation in which it is detected that access has been permitted to unauthorized persons or entities to the data files; or when authorized persons or entities have had access and it is known or there is reasonable suspicion that they have violated the professional confidentiality or obtained authorization under false representation with the intention of making illegal use of the information.

“Personal Information” Definition

1. The name or first initial and the surname of a person, together with any of the following:
 - a. Social Security number
 - b. Driver's license number, voter's identification or other official identification

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. Bank or financial account numbers of any type with or without passwords or access code that may have been assigned
- d. Names of users and passwords or access codes to public or private information systems
- e. Medical information protected by HIPAA
- f. Tax information; or
- g. Work-related evaluations.

Notification Trigger

Following discovery or notification of the breach:

- 1. Entity that owns or is the custodian of personal information shall notify Puerto Rico residents as expeditiously as possible following discovery of the breach.
- 2. Entity that only maintain personal information shall notify the proprietor, custodian, or holder of the information.

Risk-of-Harm Analysis Standard

N/A

Special Form/Content of Consumer Notice

Notice The notice must include:

- 1. the nature of the situation
- 2. the number of clients potentially affected
- 3. whether criminal complaints have been filed
- 4. what measures are being taken in the matter and an estimate of the time; and
- 5. cost required to rectify the situation

AG Notice Trigger/Deadline

Within a non-extendable term of 10 days after the violation of the system's security has been detected, the parties responsible shall inform the Department of Consumer Affairs, which shall make a public announcement of the fact within 24 hours after having received the information.

Notification to Consumer Reporting Agencies Threshold

N/A