

Rhode Island

R.I. Gen. Laws § 11-49.3-4

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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
Is notice to a state agency or AG required?	✓ Yes, within 45 days of the discovery of the breach if more than 500 residents are notified
Is there a specific deadline for individual notices?	✓ Yes, within 45 days of the discovery of the breach
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 or acquisition of unencrypted, computerized data information that compromises the security, confidentiality, or integrity of personal information.

“Personal Information” Definition

1. An individual's first name or first initial and last name in combination with any one or more of the following data elements:
 - a. Social Security number
 - b. Driver's license number, Rhode Island identification card number, or tribal identification number

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. Account number, credit, or debit card number, in combination with any required security code, access code, password, or personal identification number, that would permit access to an individual's financial account
- d. Medical or health insurance information, or
- e. E-mail address with any required security code, access code, or password that would permit access to an individual's personal, medical, insurance, or financial account.

Notification Trigger

45 days following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall disclose the breach to each state resident in the most expedient time possible, but no later than forty-five (45) calendar days after confirmation of the breach and the ability to ascertain the information required to fulfill the notice requirements.
2. Entity that does not own or have the right to license the personal information shall notify the owner or licensee in the most expedient time possible following discovery of the breach.

Risk-of-Harm Analysis Standard

The notification requirement considers whether the disclosure of personal information or breach of the security of the system poses a significant risk of identity theft to any resident of Rhode Island.

Special Form/Content of Consumer Notice

1. Must include the following information to the extent known:
 - a. A general and brief description of the incident, including how the security breach occurred and the number of affected individuals
 - b. The type of information that was subject to the breach
 - c. Date of breach, estimated date of breach, or the date range within which the breach occurred
 - d. Date that the breach was discovered
 - e. A clear and concise description of any remediation services offered to affected individuals including toll free numbers and websites to contact: (a) The credit reporting agencies; (b) Remediation service providers; (c) The attorney general, and
 - f. A clear and concise description of the consumer's ability to file or obtain a police report; how a consumer requests a security freeze and the necessary information to be provided when requesting the security freeze; and that fees may be required to be paid to the consumer reporting agencies.

AG Notice Trigger/Deadline

If more than 500 Rhode Island residents are to be notified, within 45 days of the discovery of the breach, the entity shall notify the attorney general as to the timing, content, and distribution of the notices and the approximate number of affected individuals.

Notification to Consumer Reporting Agencies Threshold

If more than 500 Rhode Island residents are to be notified, the entity shall notify the major credit reporting agencies as to the timing, content, and distribution of the notices and the approximate number of affected individuals.