

# Virginia

Va. Code Ann. § 18.2-186.6 (2008); as amended (2019)

## Quick Links

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[Statute](#)

[AG Website](#)

## Quick Facts

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Is “Personal Information” broader than the general definition? <sup>1</sup>	✓ Yes
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?	✓ Yes, without unreasonable delay, if more than 1,000 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?	✓ Yes
Is a private right of action permitted?	✓ Yes

## “Breach” Definition

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The unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth.

## “Personal Information” Definition

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1. The 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

<sup>1</sup> 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.

- b. Driver's license number or state identification card number issued in lieu of a driver's license number
- c. Financial account number, or credit card or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial accounts
- d. Passport number, or
- e. Military identification number.

### **Notification Trigger**

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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 and without unreasonable delay after the discovery or notification,
- 2. Entity that does not own or have the right to license the personal information shall notify the owner or licensee without unreasonable delay following discovery of the breach

### **Risk-of-Harm Analysis Standard**

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Notice is required only if the breach that causes, or the individual or entity reasonably believes has caused or will cause, identity theft or other fraud to any resident of this state.

### **Special Form/Content of Consumer Notice**

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The notice shall include:

- 1. The incident in general terms
- 2. The type of personal information that was subject to the unauthorized access and acquisition
- 3. The general acts of the individual or entity to protect the personal information from further unauthorized access
- 4. A telephone number that the person may call for further information and assistance, if one exists, and
- 5. Advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.

### **AG Notice Trigger/Deadline**

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If entity provides notice to more than 1,000 persons at one time, the entity shall notify, without unreasonable delay, the Office of the Attorney General. and all consumer reporting agencies.

### **Notification to Consumer Reporting Agencies Threshold**

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If entity provides notice to more than 1,000 persons at one time, the entity shall notify, without unreasonable delay, all consumer reporting agencies.