

# West Virginia

§§ 46A-2A-101, *et seq.*

## 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>	✗ 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?	✓ Yes
Is notice to consumer reporting agency?	✓ Yes, if more than 1,000 West Virginia residents are notified
Is a private right of action permitted?	✗ No

## “Breach” Definition

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The unauthorized access and acquisition of computerized personal information and that causes the entity to reasonably believe that the breach will cause identity theft/fraud to any resident.

## “Personal Information” Definition

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1. The first name or first initial and last name linked to any one or more of the following:
  - a. Social security number
  - b. Driver's license number or state identification card number issued in lieu of a driver's license, or

<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.

- 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

### Notification Trigger

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Following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall notify West Virginia residents without unreasonable delay following discovery or notification of the breach.
2. Entity that does not own or have the right to license personal information shall notify the owner or licensee as soon as practicable following discovery or notification of the breach.

### Risk-of-Harm Analysis Standard

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Notice is required only if the entity reasonably believes the breach 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. A description of the categories of information that were reasonably believed to have been accessed or acquired by an unauthorized person
2. A telephone number or website address that the individual may use to contact the entity or the agent of the entity and from whom the individual may learn
  - a. What types of information the entity maintained about that individual or about individuals in general; and
  - b. Whether the entity-maintained information about that individual.
3. The toll-free contact telephone numbers and addresses for the major credit reporting agencies and information on how to place a fraud alert or security freeze.

### AG Notice Trigger/Deadline

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N/A

### Notification to Consumer Reporting Agencies Threshold

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Notice to consumer reporting agencies without unreasonable delay is required if more than 1,000 West Virginia residents are notified.