

# Wisconsin

Wis. Stat. § 134.98

## 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?	✓ Yes
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?	✓ Yes, 45 days after the entity learns of the acquisition of personal information
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 Wisconsin residents are notified
Is a private right of action permitted?	✗ No

## “Breach” Definition

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When an entity knows that personal information has been acquired by a person whom the entity has not authorized to acquire the information.

## “Personal Information” Definition

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1. An individual's last name and the individual's first initial, in combination with any of the following:
  - a. The individual's social security number
  - b. The individual's driver's license number or state identification 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.

- c. The number of the individual's financial account number, including a credit or debit card account number, or any security code, access code, or password that would permit access to the individual's financial account
- d. The individual's DNA; or
- e. The individual's biometric data

### Notification Trigger

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Following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall notify Wisconsin residents within a reasonable time, not to exceed 45 days.
2. Entity that only stores personal information but do not own such information shall notify the owner or licensee as soon as practicable.

### Risk-of-Harm Analysis Standard

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If the acquisition of personal information does not create a material risk of identity theft or fraud, or the personal information was acquired in good faith and used for a lawful purpose of the entity, no notice is required.

### Special Form/Content of Consumer Notice

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The notice shall indicate that the entity knows of the unauthorized acquisition of personal information pertaining to the affected resident.

Upon written request by a person who has received a notice, the entity shall identify the personal information that was acquired.

### AG Notice Trigger/Deadline

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N/A

### Notification to Consumer Reporting Agencies Threshold

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If the entity is required to provide notice to over 1,000 Wisconsin residents, it must notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the notices sent to the individuals.