

MAINE STATE LEGISLATURE

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Legislative Document

No. 970

H.P. 672

House of Representatives, March 10, 2009

An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PRIEST of Brunswick.
Cosponsored by Representatives: GOODE of Bangor, LEGG of Kennebunk, ROTUNDO of
Lewiston, TREAT of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA §1347, sub-§1**, as amended by PL 2005, c. 583, §1 and
3 affected by §14, is further amended to read:

4 **1. Breach of the security of the system.** "Breach of the security of the system" or
5 "security breach" means unauthorized acquisition, release or use of an individual's
6 computerized data that includes personal information that compromises the security,
7 confidentiality or integrity of personal information of the individual maintained by a
8 person. Good faith acquisition, release or use of personal information by an employee or
9 agent of a person on behalf of the person is not a breach of the security of the system if
10 the personal information is not used for or subject to further unauthorized disclosure to
11 another person.

12 **Sec. 2. 10 MRSA §1347-A** is enacted to read:

13 **§1347-A. Release or use of personal information prohibited**

14 It is a violation of this chapter for an unauthorized person to release or use an
15 individual's personal information acquired through a security breach.

16 **Sec. 3. 10 MRSA §1348, sub-§3**, as enacted by PL 2005, c. 379, §1 and affected
17 by §4, is amended to read:

18 **3. Delay of notification for law enforcement purposes.** The notification required
19 by this section may be delayed for no longer than 7 business days if a law enforcement
20 agency determines that the notification will compromise a criminal investigation; the
21 notification required by this section must be made after the law enforcement agency
22 determines that it will not compromise the investigation.

23 **Sec. 4. 10 MRSA §1349, sub-§4**, as enacted by PL 2005, c. 583, §12 and affected
24 by §14, is amended to read:

25 **4. Exceptions.** A person that complies with the security breach notification
26 requirements of rules, regulations, procedures or guidelines established pursuant to
27 federal law or the law of this State is deemed to be in compliance with the requirements
28 of ~~this chapter~~ section 1348 as long as the law, rules, regulations or guidelines provide for
29 notification procedures at least as protective as the notification requirements of ~~this~~
30 ~~chapter~~ section 1348.

31 **SUMMARY**

32 This bill amends the security breach notification laws. The bill makes it clear that the
33 release or use of personal information acquired through a security breach by an
34 unauthorized person constitutes a violation of the law. The bill also requires that any
35 delay for law enforcement purposes in notification to persons affected by a security
36 breach may not be longer than 7 business days.