

Laws Governing Data Security and Privacy – U.S. Jurisdictions at a Glance

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State	Statute	Year Statute Adopted or Significantly Revised	Upon Discovery of Breach, is Notice to State Attorney General Required?	Is Breach Notification to Affected Individuals Required if There is a Low Risk of Harm?	Does Statute Cover Electronic Data, Paper Records, or Both?	Maximum Fine	Does Statute Provide for a Private Cause of Action?
Alabama*	Ala. Information Technology Policy 685-00 (Applicable to certain Executive Branch agencies only)	2012	No	No	Both	--	No
Alaska	Alaska Stat. §§ 45.48.010 – .090	2008	Yes	No	Both	\$50,000	Yes
Arizona	Ariz. Rev. Stat. Ann. § 44-7501	2007	No	No	Electronic Data	\$10,000	No
Arkansas	Ark. Code Ann. §§ 4-110-101 – -108	2005	No	No	Electronic Data	\$10,000	No
California	Cal. Civ. Code §§ 1798.29, 1798.80 – .84, 1280.15	2015, 2013, 2009	Yes (or to the State Department of Public Health if the covered entity is regulated by that department)	Yes	Both	\$3,000, or \$250,000 for the unauthorized use of patient medical information	Yes
Colorado	Colo. Rev. Stat. §§ 6-1-713, 6-1-716	2004, 2010	No	No	Both	--	Yes
Connecticut	Conn. Gen. Stat. § 36A-701B	2005	Yes	No	Electronic Data	\$5,000	No
Delaware	Del. Code Ann. tit. 6, §§ 12B-101 – -104	2005	No	No	Electronic Data	\$10,000	Yes
District of Columbia	D.C. Code §§ 28-3851 – -3853	2007	No	Yes	Electronic Data	\$100	Yes
Florida	Fla. Stat. § 501.171	2014	Yes	No	Both	\$500,000	No
Georgia	Ga. Code Ann. §§ 10-1-910 – -915, 46-5-214	2007, 2006	No	Yes	Electronic Data and Telephone Records	\$0 for a data breach; \$100 for a failure of a credit reporting agency to implement a consumer-requested security freeze	Yes
Guam	Guam Code Ann. tit. 9, §§ 48.10 – .80	2009	No	No	Electronic Data	\$150,000	No
Hawaii	Haw. Rev. Stat. §§ 487N-1 – -7	2008	Yes, to the Office of Consumer Protection, if notice to more than 1,000 individuals is required	Yes	Both	\$2,500	Yes

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Idaho	Idaho Code Ann. §§ 28-51-104 – -107	2006	Yes (for covered government agencies)	No	Electronic Data	\$25,000	No
Illinois	815 Ill. Comp. Stat. 530/1 - /40	2006	No	Yes	Both	\$50,000 (plus an additional \$10,000 if victim is 65 years of age or older)	Yes
Indiana	Ind. Code §§ 4-1-11-1 – -10, 24-4.9-1-1 – -5-1	2006	Yes (No, if covered entity is a state agency)	No (Yes, if covered entity is a state agency)	Both	\$150,000	No
Iowa	Iowa Code §§ 715C.1 – .2	2014	Yes, if notice to more than 500 individuals is required	No	Both	\$40,000	No
Kansas	Kan. Stat. Ann. §§ 50-7A01 – 04	2006	No	No	Both	--	Yes
Kentucky	Ky. Rev. Stat. Ann. §§ 365.720 – .734	2014	No	No	Both	--	Yes
Louisiana	La. Rev. Stat. Ann. §§ 51:3071 – 3077, La. Admin. Code tit. 16, Pt. III, § 701	2007, 2005	Yes	No	Electronic Data	\$5,000	Yes
Maine	Me. Rev. Stat. Ann. tit. 10, § 1346 – 1350-B	2009	Yes (or to the Department of Professional and Financial Regulation if the covered entity is regulated by that department)	No	Electronic Data	\$2,500	No
Maryland	Md. Code Ann. Com. Law §§ 14-3501 – 3508, Md. Code Ann. State Gov't §§ 10-1301 – 1308	2013	Yes	No	Both	\$1,000 for first violation, \$5,000 for any subsequent violation by a covered merchant	Yes
Massachusetts	Mass. Gen. Laws ch. 93H, §§ 1 – 6	2007	Yes	Yes	Both	\$5,000, or \$10,000 for violating an injunction entered pursuant to an enforcement action	No
Michigan	Mich. Comp. Laws §§ 445.61 – .79C	2010	No	No	Electronic Data	\$750,000	Yes
Minnesota	Minn. Stat. §§ 13.055, 325E.61, 325E.64	2014, 2007	No	Yes	Electronic Data	\$25,000	Yes
Mississippi	Miss. Code Ann. § 75-24-29	2010	No	No	Both	\$10,000	No

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Missouri	Mo. Rev. Stat. § 407.1500	2009	Yes, if notice to more than 1,000 individuals is required	No	Electronic Data	\$150,000	No
Montana	Mont. Code Ann. §§ 2-6-504, 30-14-1701 – 1736	2009, 2007	No	No	Both	\$10,000	No
Nebraska	Neb. Rev. Stat. §§ 87-801 – 807	2006	No	No	Electronic Data	--	No
Nevada	Nev. Rev. Stat. §§ 603A.010 – .920, 242.183	2011	No	Yes	Both	--	No
New Hampshire	N.H. Rev. Stat. Ann. § 359-C:19 - :21	2007	Yes	No	Electronic Data	\$10,000, and no less than double and no more than treble damages in private actions upon finding of willful violation	Yes
New Jersey	N.J. Stat. Ann. §§ 56:8-161 - 166	2005	Yes, to the Division of State Police in the Department of Law and Public Safety	No	Both	--	No
New Mexico*	H.B. 224 (Proposed Legislation Status: Legislature Adjourned)	2014	Yes, if notice to more than 50 individuals is required	Yes	Both	\$150,000	Yes
New York	N.Y. Gen. Bus. Law § 899-AA, N.Y. State Tech. Law §§ 201 – 208	2013	Yes, along with the Department of State and the Division of State Police	Yes	Electronic Data	\$150,000	Yes
North Carolina	N.C. Gen. Stat. §§ 75-60 – 66	2009	Yes	No	Both	\$5,000	Yes, if an individual has been injured
North Dakota	N.D. Cent. Code §§ 51-30-01 – 07	2013	No	Yes	Electronic Data	\$1,000	Yes
Ohio	Ohio Rev. Code Ann. §§ 1347.12, 1349.19, 1349.191, 1349.192	2007	No	No	Electronic Data	No cap; penalties can be as high as \$10,000 per day of noncompliance	No
Oklahoma	Okla. Stat. tit. 74, § 3113.1, tit. 24, §§ 161 – 166	2006, 2008	No	Yes, if a state agency identifies a breach; No, if an individual or business identifies a breach	Electronic Data	\$150,000	No
Oregon	Or. Rev. Stat. § 646A.600 – .628	2013	No	No	Both	\$500,000	No
Pennsylvania	73 Pa. Cons. Stat. Ann. §§ 2301 – 2329	2006	No	No	Electronic Data	\$5,000	No

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Puerto Rico	P.R. Laws Ann. tit. 10, §§ 4051 – 4055	2008	Yes, to the Department of Consumer Affairs (or to the Citizen's Advocate Office if the covered entity is a government agency or public corporation)	Yes	Both	\$5,000	Yes
Rhode Island	R.I. Gen. Laws §§ 11-49.2-1 – 11-49.2-7	2005	No	No	Electronic Data	\$25,000	No
South Carolina	S.C. Code Ann. § 39-1-90, 1-11-490	2013, 2009	Yes, to the Consumer Protection Division of the Department of Consumer Affairs, if notice to more than 1,000 individuals is required	No	Both	\$1,000 per resident whose information was accessible if violation was knowing and willful	Yes
South Dakota*							
Tennessee	Tenn. Code Ann. §§ 47-18-2101 – 2110	2005	No	Yes	Both	The greater of \$10,000; \$5,000 per day of an assumed identity theft; or 10 times the amount obtained or assumed to have been obtained using the identity theft	Yes
Texas	Tex. Bus. & Com. Code Ann. §§ 521.001 – .152, Tex. Educ. Code Ann. § 37.007(B)(5)	2013, 2011	No	Yes	Both	\$50,000, plus \$250,000 for failure to take reasonable action to comply with notice requirements	Yes, to declare an individual a victim of identity theft
Utah	Utah Code Ann. §§ 13-44-101 – 13-44-301	2013	No	No	Both	\$100,000	No
Vermont	Vt. Stat. Ann. tit. 9, §§ 2430 – 2445	2014	Yes (or to the Department of Financial Regulation if the covered entity is regulated by that department)	No	Both	\$10,000	No
Virginia	Va. Code Ann. § 18.2-186.6, 32.1-127.1:05	2011, 2008	Yes	No	Electronic Data	\$150,000	Yes
Virgin Islands	V.I Code Ann. tit. 14, §§ 2200 – 2212	2005	No	Yes	Electronic Data	--	Yes

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Washington	Wash. Rev. Code §§ 19.255.010 – .020, 42.56.590	2010, 2007	No	No	Electronic Data	--	Yes
West Virginia	W. Va. Code §§ 46A-2A-101 – 46A-2A-105	2008	No	No	Electronic Data	\$150,000	No
Wisconsin	Wis. Stat. §§ 134.97 – .98	2007	No	No	Both	\$1,000	Yes
Wyoming	Wyo. Stat. Ann. §§ 40-12-501 – 40-12-509	2007	No	No	Electronic Data	--	Yes, to declare an individual a victim of identity theft

* State does not have a statute governing data breach

This table constitutes a summary of the laws of various U.S. jurisdictions and does not purport to represent a detailed or complete analysis of current U.S. law.