

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), 2016 ALA. S.B. No. 238 (proposed legislation status: proposed on Feb. 16, 2016)	2012	No, if an Executive Branch agency; Yes, under proposed legislation, if a covered entity suffers a breach affecting more than 1,000 residents	No	Both, if Executive Branch agency; Electronic Data, under proposed legislation	\$50,000, under proposed legislation	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, CAL. HEALTH & SAFETY CODE § 1280.15	2016, 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	2015, 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, 282.318	2014	Yes (or to the Agency for State Technology for state agencies)	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
Idaho	IDAHO CODE ANN. §§ 28-51-104 – 107	2015, 2006	Yes (for covered government agencies)	No	Electronic Data	\$25,000	No
Illinois	815 ILL. COMP. STAT. 530/1 - /40, 2016 ILL. LEGIS. SERV. P.A., 99-503 (H.B. 1260) (legislation)	2017, 2006	No, Yes, effective Jan. 1, 2017, if covered entity is a state agency, if notice to more than 250 residents is	Yes	Both	\$50,000 (plus an additional \$10,000 if victim is 65 years of age or older)	Yes

	status: effective Jan. 1, 2017)		required; Yes, effective Jan. 1, 2017, if covered entity is subject to HIPAA or HITECH if notification to Secretary of Health and Human Services is required				
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, 61.931-.934	2015, 2014	Yes, to the commissioner of the Kentucky State Policy, the Auditor of Public Accounts, and the Attorney General	No	Both	--	Yes
Louisiana	LA. REV. STAT. ANN. §§ 51:3071 – 3077, 40:1173.1-.6, LA. ADMIN. CODE tit. 16, pt. III, § 701	2007, 2005	Yes	No (Yes, if covered entity is the Department of Health)	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 – .79D	2016, 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
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. §§ 2-6-1503, 30-14-1701 – 1736, 33-19-321	2015, 2009, 2007	Yes (and to the State's Chief Information Officer if a state agency)	No (Yes, if covered entity is a licensee or insurance-support organization)	Both	\$10,000	No
Nebraska	NEB. REV. STAT. §§ 87-801 – 807, 2016 NEB. LAWS L.B. 835 (legislation status: effective July 20, 2016)	2016, 2006	No (Yes, effective July 20, 2016)	No	Electronic Data	--	No

Nevada	NEV. REV. STAT. §§ 603A.010 – .920, 242.183	2015, 2011	No	Yes	Both	--	No
New Hampshire	N.H. REV. STAT. ANN. §§ 359-C:19 – :21, 189:66	2015, 2007	Yes	No (Yes, if covered entity is the Department of Education)	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: postponed indefinitely)	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	2016, 2009	Yes	No	Both	\$5,000	Yes, if an individual has been injured
North Dakota	N.D. CENT. CODE §§ 51-30-01 – 07	2015, 2013	Yes, if notice to more than 250 individuals is required	Yes	Electronic Data	\$1,000	Yes
Ohio	OHIO REV. CODE ANN. §§ 1347.12, 1349.19 – .192	2015, 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	Electronic Data	\$150,000	No

				or business identifies a breach			
Oregon	OR. REV. STAT. §§ 646A.600 – .628	2016, 2013	Yes, if notice to more than 250 individuals is required	No	Both	\$500,000	No
Pennsylvania	73 PA. CONS. STAT. ANN. §§ 2301 – 2329	2006	No	No	Electronic Data	\$5,000	No
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 – .2-7 (repealed effective June 26, 2016 and July 2, 2016), R.I. GEN. LAWS §§ 11-49.3-1 – .3-6 (legislation status: effective June 26, 2016)	2016, 2005	No, (Yes, if notice to more than 500 individuals is required, effective June 26, 2016)	No	Electronic Data, (Both, effective June 26, 2016)	\$25,000, (No cap; \$100 per record if violation was reckless; \$200 per record if violation was knowing and willful, effective June 26, 2016)	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 – 2111, 8-4-119	2015, 2005	No (Yes, to the Comptroller of the Treasury if covered entity is a state agency)	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)	2015, 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 – 301, 53A-1-1405	2016, 2013	No	No (Yes, if student’s data is breached, by the covered education entity)	Both	\$100,000	No
Vermont	VT. STAT. ANN. tit. 9, §§ 2430 – 2445	2015, 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
Washington	WASH REV. CODE §§ 19.255.010 – .020, 42.56.590	2015, 2010, 2007	Yes, if notice to more than 500 individuals is required	No	Both	--	Yes

West Virginia	W. VA. CODE §§ 46A-2A-101 – 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 – 509	2015, 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.