

AMENDMENT TO H.R. _____

OFFERED BY MRS. BLACKBURN OF TENNESSEE

Page and line numbers refer to BLACKB__028 April 10, 2015

Page 2, line 16, insert “and acquisition” after “access”.

Page 3, line 3, insert after “system” the following: “and identify the impact of the breach pursuant to paragraph (2)”.

Page 3, line 14, strike “Unless there is no reasonable risk that” and insert: “(A) TRIGGER.—Unless there is no reasonable risk that”.

Page 3, line 20, strike “, as the case may be,”.

Page 3, beginning on line 22, strike “within the time specified in subsection (c)” and insert “pursuant to this section”.

Page 3, insert after line 23 the following new subparagraph:

- 1 (B) NOTIFICATION DUTY.—Unless subject
- 2 to a delay authorized under subsection (c)—
- 3 (i) a breached covered entity shall no-
- 4 tify any individual for whom an election

1 was not made under paragraph (4)(C) not
2 later than 25 days after the non-breached
3 covered entity declines or fails to exercise
4 the election under paragraph (4)(C);

5 (ii) a non-breached covered entity
6 shall notify any individual for whom the
7 non-breached covered entity provided per-
8 sonal information to the breached covered
9 entity, and such personal information was
10 affected by the breach of security, not later
11 than 25 days after exercising the election
12 under paragraph (4)(C); and

13 (iii) any other covered entity shall
14 identify the individuals affected by a
15 breach of security and make the notifica-
16 tion required under this subsection as ex-
17 peditiously as possible, without unreason-
18 able delay, and not later than 30 days
19 after completing the requirements of para-
20 graph (1).

21 (C) NOTIFICATION REQUIRED UPON DIS-
22 COVERY OF ADDITIONAL INDIVIDUALS AF-
23 FECTED.—If a covered entity, breached covered
24 entity, or non-breached covered entity has pro-
25 vided the notification to individuals required

1 under this subsection and after such notifica-
2 tion discovers additional individuals to whom
3 notification is required under this subsection
4 with respect to the same breach of security, the
5 covered entity, breached covered entity, or non-
6 breached covered entity shall make such notifi-
7 cation to such individuals as expeditiously as
8 possible and without unreasonable delay.

Page 4, beginning on line 3, strike “in the event of a breach of security that presents a reasonable risk that the” and insert “unless there is no reasonable risk that the”.

Page 4, beginning on line 7, strike “to individuals whose” and insert “related to the”.

Page 4, beginning on line 8, strike “or record is described in the notice provided under this paragraph” and insert “provided by the non-breached covered entity to the breached covered entity,”.

Page 4, beginning on line 18, strike “subparagraph (A)” and all that follows through page 5, line 7, and insert the following: “subparagraph (A) the elements of personal information received from the non-breached covered entity pursuant to the contract described in sub-

paragraph (C) reasonably believed to be affected by the breach of security.”.

Page 5, line 16, strike “identified in subparagraph (B)”.

Page 5, beginning on line 21, strike “the individuals described in the notice” and insert “all individuals whose personal information was provided by the non-breached covered entity to the breached covered entity and was affected by the breach of security”.

Page 5, beginning on line 24, strike “the individuals described in the notice” and insert “such individuals”.

Page 6, line 8, insert after “covered entity” the following: “and provide any of the information the breached covered entity possesses that is described under subsection (d)(1)(B) and provide all personal information received from the non-breached covered entity that was affected by the breach of security”.

Page 6, line 13, strike “necessary information” and insert “information requested under this subsection”.

Page 6, beginning on line 21, strike “all required information about such individuals to” and insert “any of the information the non-breached covered entity possesses that is described under subsection (d)(1)(B) for any indi-

vidual whose personal information was received from the non-breached covered entity that was affected by the breach of security”.

Page 7, line 3, strike “necessary information” and insert “information requested under this subsection”.

Page 7, line 13, strike “accessed or acquired” and insert “accessed and acquired”.

Page 8, line 15, strike “TIMELINESS OF NOTIFICATION.” and all that follows through page 9, line 16 and insert “DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES. If a Fed—”.

Page 11, line 2, strike “if—” and all that follows through page 11, line 10 and insert the following: “if the covered entity’s primary method of communication with the individual is by email or such other electronic means or the individual has consented to receive such notification.”.

Page 12, beginning on line 3, strike “acquired or accessed” and insert “acquired and accessed”.

Page 13, beginning on line 21, strike “and provided such email or electronic means does not contain a hyperlink”.

Page 16, line 9, strike “5(4)(A)” and insert “5(5)(A)”.

Page 21, line 1, strike “access to or acquisition” and insert “access to and acquisition”.

Page 21, line 19, insert after “provider” the following: “that is subject to section 3(e)”.

Page 23, line 17, insert before “or person” the following: “futures commission merchant, special purpose vehicle, finance company,”.

Page 23, line 20, strike “or”.

Page 23, line 25, strike “1752(7)).” and insert “1752(7)); or”.

Page 23, insert after line 25 the following new clause:

- 1 (vi) a credit union service organization
- 2 as outlined in section 106(7)(I) of the Fed-
- 3 eral Credit Union Act (12 U.S.C.
- 4 1757(7)(I)).

Page 25, beginning on line 17, strike “any one of the following data elements:” and insert “all of the following:”.

Page 25, strike line 19 and all that follows through page 26, line 4 and insert the following:

- 1 (I) Home address and telephone
- 2 number.
- 3 (II) Mother's maiden name, if
- 4 identified as such.
- 5 (III) Month, day, and year of
- 6 birth.

Page 26, strike line 24 and all that follows through page 27, line 3, and insert the following:

- 7 (v) Any information that pertains to
- 8 the transmission of specific calls, including,
- 9 for outbound calls, the number called, and
- 10 the time, location, or duration of any call
- 11 and, for inbound calls, the number from
- 12 which the call was placed, and the time, lo-
- 13 cation, or duration of any call.

Page 27, insert after line 3 the following:

- 14 (vi) A driver's license number, pass-
- 15 port number, or alien registration number
- 16 or other government-issued unique identi-
- 17 fication number.

Page 29, line 16, insert “and acquisition” after “access”.

Page 29, line 17, insert “and acquisition” after “access”.

