Indiana Notification Laws

What Data Is Covered?
Personal Identifiable Information (PII):
1. Social security number
2. Individual’s first and last name OR first initial and last name AND one or more of the following:
   a. Driver license number
   b. State identification card number
   c. Credit card number
   d. Financial account number or debit card number

Has There Been A Breach?
Definition of a breach:
- “…unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a person.”
- “Breach includes the unauthorized acquisition of computerized data that have been transferred to another medium, including paper, microfilm, or a similar medium, even if the transferred data are no longer in a computerized format.

Who Receives Notice?
- Indiana residents whose personal information was or may have been acquired by an unauthorized person
- Credit reporting agency notice is required
- Government agency notice is required-Attorney General
- Non Indiana residents-notice is subject to each state’s laws

When Must Notice Be Given?
- “A person…shall make the disclosure or notification without unreasonable delay.”
  “…a delay is reasonable if the delay is:
  o Necessary to restore the integrity of the computer system
  o Necessary to discover the scope of the breach
  o In response to a request from the attorney general or a law enforcement agency…” (due to investigation or national security)

Can There Be Penalties?
- Only the attorney general may bring an action…
  o An injunction to enjoin future violations
  o A civil penalty of not more than $150,000 per deceptive act
  o The attorney general’s investigative costs and costs for maintaining the action

*This is a summary of the Indiana Security Breach Notification Laws and not an exact interpretation of the Indiana Code. Reference Indiana Code §24-4.9