

North Carolina Legislators Move to Strengthen Data Breach Notification Law

January 6, 2018 - Legislators in North Carolina have introduced an update to the state's data breach notification law and we have to applaud their vision. If the proposal actually becomes law, it will be one of the most consumer-friendly laws of its type nationwide. The impetus behind the change is that according to the State Attorney General, 5.3 million people in the state were victimized in breaches in 2017. That's a little over half of the state's entire population of 10.1 million.

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The proposed update to data breach notification would make a number of changes. Ransomware attacks would now be considered a data breach and both state agencies and private businesses would have to report them to the state AG's office. The law would also expand the definition of personally identifiable information to include insurance account numbers.

Businesses would be required to get consumer permission to gain access to or use a consumer's credit score or full credit report. Additionally, credit reporting agencies would have to provide consumers (upon request) a list of the information they store, the source of that information and a list of companies that have been granted access to it.

Perhaps the best thing about the law is that it would force the consumer reporting agencies (Equifax, TransUnion and Experian) to provide a single point of contact to freeze and unfreeze credit reports for free at any time. Right now, consumers who want to freeze their credit have to contact each agency separately and, unless they are already identity theft victims, they have to pay each agency for the freeze.

If the proposal passes, businesses will only have 15 days in which to report data breaches once they are aware of them.

We sincerely hope that this proposal does become law. It would likely force changes to data breach reporting and the services available to consumers nationwide. It is also likely to provide a blueprint for other states to update their data breach notification laws.

by Jim Malmberg

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