

Senate Bill 306

By: Senators Martin of the 9th, Hill of the 32nd, Ginn of the 47th, Thompson of the 14th,
Stone of the 23rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 34 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to identity theft, so as to remove telephone notification as a permissible means of
3 informing a person of a potential breach of security involving personal information; to
4 provide for a free consumer credit report security freeze placement or removal for individuals
5 notified of a potential breach of security involving their personal information; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 34 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
10 identity theft, is amended by revising paragraph (4) of Code Section 10-1-911, relating to
11 definitions, as follows:

12 "(4) 'Notice' means:

13 (A) Written notice;

14 (B) ~~Telephone~~ notice;

15 ~~(C)~~ Electronic notice, if the notice provided is consistent with the provisions regarding
16 electronic records and signatures set forth in Section 7001 of Title 15 of the United
17 States Code; or

18 ~~(D)~~(C) Substitute notice, if the information broker or data collector demonstrates that
19 the cost of providing notice would exceed \$50,000.00, that the affected class of
20 individuals to be notified exceeds 100,000, or that the information broker or data
21 collector does not have sufficient contact information to provide written or electronic
22 notice to such individuals. Substitute notice shall consist of all of the following:

23 (i) E-mail notice, if the information broker or data collector has an e-mail address for
24 the individuals to be notified;

25 (ii) Conspicuous posting of the notice on the information broker's or data collector's
26 website page, if the information broker or data collector maintains one; and

27 (iii) Notification to major state-wide media.

28 Notwithstanding any provision of this paragraph to the contrary, an information broker
29 or data collector that maintains its own notification procedures as part of an information
30 security policy for the treatment of personal information and is otherwise consistent with
31 the timing requirements of this article shall be deemed to be in compliance with the
32 notification requirements of this article if it notifies the individuals who are the subjects
33 of the notice in accordance with its policies in the event of a breach of the security of the
34 system."

35 **SECTION 2.**

36 Said article is further amended by revising subsection (p) of Code Section 10-1-914, relating
37 to consumer requested security freezes on credit reports, as follows:

38 "(p) This Code section shall not prevent a consumer credit reporting agency from charging
39 a fee of no more than \$3.00 to a consumer for each security freeze placement, any
40 permanent removal of the security freeze, or any temporary lifting of the security freeze
41 for a period of time. A consumer credit reporting agency shall not charge a person age 65
42 or over for the placement of a security freeze. A consumer credit reporting agency shall
43 not charge any fee to a victim of identity theft who has submitted a copy of a valid
44 investigative or incident report or complaint with a law enforcement agency about the
45 unlawful use of the victim's identifying information by another person that was filed with
46 the law enforcement agency no more than 90 days prior to the consumer's request for a
47 security freeze. A consumer credit reporting agency shall not charge a fee for the
48 placement or permanent removal of a security freeze to a person notified under Code
49 Section 10-1-912 of a breach in the security of computerized data that includes personal
50 information upon submission of a copy of such notice or any other documentation
51 indicating personal information was accessible to the information broker or data collector
52 during the time when a breach of the security of the system occurred. A consumer credit
53 reporting agency may charge a fee of no more than \$5.00 to a consumer for each
54 replacement of a unique personal identification number or password."

55 **SECTION 3.**

56 All laws and parts of laws in conflict with this Act are repealed.