

ASSEMBLY, No. 193

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires disclosure of breach of security of geolocation data.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning disclosure of breaches of security and
2 amending P.L.2005, c.226.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 10 of P.L.2005, c.226 (C:56:8-161) is amended to
8 read as follows:

9 10. As used in sections 10 through 15 of **【this amendatory and**
10 **supplementary act】** P.L.2005, c.226 (C.56:8-161 through C.56:8-
11 166):

12 "Breach of security" means unauthorized access to electronic
13 files, media or data containing personal information that
14 compromises the security, confidentiality or integrity of personal
15 information when access to the personal information has not been
16 secured by encryption or by any other method or technology that
17 renders the personal information unreadable or unusable. Good
18 faith acquisition of personal information by an employee or agent of
19 the business for a legitimate business purpose is not a breach of
20 security, provided that the personal information is not used for a
21 purpose unrelated to the business or subject to further unauthorized
22 disclosure.

23 "Business" means a sole proprietorship, partnership, corporation,
24 association, or other entity, however organized and whether or not
25 organized to operate at a profit, including a financial institution
26 organized, chartered, or holding a license or authorization
27 certificate under the law of this State, any other state, the United
28 States, or of any other country, or the parent or the subsidiary of a
29 financial institution.

30 "Communicate" means to send a written or other tangible record
31 or to transmit a record by any means agreed upon by the persons
32 sending and receiving the record.

33 "Customer" means an individual who provides personal
34 information to a business.

35 "Geolocation" means the location of an individual, determined
36 by the location of an electronic device, including, but not limited to,
37 a cellular phone, computer, or tablet.

38 "Individual" means a natural person.

39 "Internet" means the international computer network of both
40 federal and non-federal interoperable packet switched data
41 networks.

42 "Personal information" means an individual's first name or first
43 initial and last name linked with any one or more of the following
44 data elements: (1) Social Security number; (2) driver's license
45 number or State identification card number; **【or】** (3) account

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 number or credit or debit card number, in combination with any
2 required security code, access code, or password that would permit
3 access to an individual's financial account; or (4) geolocation.
4 Dissociated data that, if linked, would constitute personal
5 information is personal information if the means to link the
6 dissociated data were accessed in connection with access to the
7 dissociated data.

8 For the purposes of sections 10 through 15 of **【this amendatory**
9 **and supplementary act】** P.L.2005, c.226 (C.56:8-161 through
10 C.56:8-166), personal information shall not include publicly
11 available information that is lawfully made available to the general
12 public from federal, state or local government records, or widely
13 distributed media.

14 "Private entity" means any individual, corporation, company,
15 partnership, firm, association, or other entity, other than a public
16 entity.

17 "Public entity" includes the State, and any county, municipality,
18 district, public authority, public agency, and any other political
19 subdivision or public body in the State. For the purposes of
20 sections 10 through 15 of **【this amendatory and supplementary act】**
21 P.L.2005, c.226 (C.56:8-161 through C.56:8-166), public entity
22 does not include the federal government.

23 "Publicly post" or "publicly display" means to intentionally
24 communicate or otherwise make available to the general public.

25 "Records" means any material, regardless of the physical form,
26 on which information is recorded or preserved by any means,
27 including written or spoken words, graphically depicted, printed, or
28 electromagnetically transmitted. Records does not include publicly
29 available directories containing information an individual has
30 voluntarily consented to have publicly disseminated or listed.

31 (cf: P.L.2005, c.226, s.10)

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33 2. This act shall take effect on the 90th day next following
34 enactment.

35 36 37 STATEMENT

38
39 This bill requires entities that compile or maintain computerized
40 records that include geolocation data to disclose to consumers
41 breaches of security of geolocation information.

42 Under current law, businesses and public entities are required to
43 disclose breaches that involve personal information. Under current
44 law, "personal information" is defined as an individual's first name
45 or first initial and last name linked with any one or more of the
46 following data elements: Social Security number; driver's license
47 number, or credit or debit card number, in combination with any
48 required security code, access code, or password that would permit

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1 access to an individual's financial account. The bill adds
2 geolocation data to the definition of "personal information" so that
3 a breach of geolocation data would require businesses and public
4 entities to disclose the breach to consumers.