

SECURITY BREACHES

WHAT IS A SECURITY BREACH?

Generally, a security breach means unauthorized acquisition of sensitive information like credit card numbers, social security numbers, and financial account passwords, when that information is stored electronically. (9 V.S.A. §§ 2430(5), (8))

A security breach could be due to negligence (e.g. losing a laptop, accidentally sending information to the wrong person, posting private information to the internet, improperly throwing out backup tapes), malice (e.g. hacking, malware, burglary), or something in between (e.g., permitting employees to access data they shouldn't be looking at, or not revoking access when they are terminated).

WHAT LAWS ARE TRIGGERED BY A SECURITY BREACH?

If a business or government agency (including law enforcement) suffers a security breach, it must notify the Office of the Attorney General within 14 days, and then the consumers affected by the breach within 45 days, according to the requirements of the Data Breach Notification Act. (9 V.S.A. § 2435)

If the business is collecting sensitive information, it has a duty under the Consumer Protection Act (9 V.S.A. § 2453), to keep that information reasonably secure.

There are exceptions to these rules. For example, financial institutions are mostly exempt. Also, consumer notification may be delayed if it would interfere with a law enforcement investigation.

IF YOU ARE INFORMED OF A SECURITY BREACH AT A VERMONT BUSINESS:

1. Please inform the business of its duty to notify the Vermont Office of the Attorney General.
2. You may want to direct the business to the Security Breach Guidance referenced below.
3. Please email data.security@atg.state.vt.us and provide us with any information you have regarding the breach.
4. If you have any questions regarding a security breach, including whether there was a breach, please feel free to call Ryan Kriger in the Vermont Office of the Attorney General.

You may receive information about a breach from the merchant that has suffered the breach, credit card companies, or banks that monitor fraud.

CONTACTS AND FURTHER INFORMATION:

1. Ryan Kriger, Assistant Attorney General, Public Protection Division
802-828-3170, rkriger@atg.state.vt.us.
2. General Email Address at AGO for security breaches: data.security@atg.state.vt.us
3. For more information on security breaches:
<http://www.atg.state.vt.us/issues/consumer-protection/privacy-and-Data-Security/documents-and-resources5/security-breach-guidance.php>