

## What is Georgia Senate Bill 475?

Georgia is one of the most aggressive states in the United States in fighting identity theft, introducing its first identity theft legislation in 1998 making identity theft a felony.

The 1998 law was updated in 2002 by Senate Bill 475 to recognize that people whose identities are stolen are victims even if they do not suffer financial loss. Also, the law requires companies to securely dispose of all consumer identity information.

### Who is affected?

Georgia's identity theft legislation concerning disposal of records applies to nearly all businesses operating in the state.

### What does Georgia Senate Bill 475 have to do with information management?

Georgia is one of the first states to require companies to securely dispose of their customers' confidential information including medical, financial, credit, income tax and other information. Section 10-15-2 states:

*"A business may not discard a record containing personal information unless it:*

*(1) Shreds the customer's record before discarding the record; (2) Erases the personal information contained in the customer's record before discarding the record; (3) Modifies the customer's record to make the personal information unreadable before discarding the record; or (4) Takes actions that it reasonably believes will ensure that no unauthorized person will have access to the personal information contained in the customer's record for the period between the record's disposal and the record's destruction."*

### What do companies have to do to comply with Senate Bill 475?

Among other things, Georgia companies are advised to adopt best-practices for handling their customers' information. For example, a comprehensive privacy policy that includes responsible information-handling practices

to take appropriate care of personal information throughout its entire lifecycle. According to the Georgia Stop Identity Theft Network, shredding is "the best and preferred destruction practice" for paper-based documents.

Businesses should also teach all of their employees about the importance of protecting sensitive business information, the requirements of the law and the consequences that can arise from mishandling information.

### Penalties for non-compliance with Section 10-15-2 are contained in Section 10-15-4:

*"A business that violates Code Section 10-15-2 may be fined by the administrator appointed pursuant to Code Section 10-1-395 not more than \$500.00 for each customer's record that contains personal information that is wrongfully disposed of or discarded; provided, however, in no event shall the total fine levied by the administrator exceed \$10,000.00. Notwithstanding anything to the contrary contained in this Code section, it shall be an affirmative defense to the wrongful disposing of or discarding of a customer's record that contains personal information if the business can show that it used due diligence in its attempt to properly dispose of or discard such records."*

### How can we help?

When designing document management programs, companies should consider how they store and destroy their customers' information. Securit offers safe document storage and onsite document destruction. We're committed to limiting the risk of an unauthorized person gaining access to confidential information. For peace of mind, contact Securit today at 1 800 697-4733.

For more information:

Georgia Stop Identity Theft Network – <http://www.stopidentitytheft.org/>

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