

What is the Maine Notice of Risk to Personal Data Act?

The Maine Notice of Risk to Personal Data Act (LD 1671) requires information brokers to notify individuals when a security breach results in their personal information being released to unauthorized parties. The Act specifies the notification steps information brokers must follow in the event of a security breach. It came into effect January 31, 2006.

Who is affected?

This Act affects information brokers, or persons who maintain personal information on behalf of an information broker that store personal information of Maine residents. Personal Information is defined as the first name or initial and last name in combination with one or more of the following nonpublic, unencrypted pieces of information: a social security number, a driver's license number or state identification card number, a bank account, credit card or debit card number accompanied by the passwords or security codes, if any that would be necessary to use the card, or any of these elements even without a person's first name or initial and last name if the information would be sufficient to permit a party to fraudulently assume or attempt to assume the identity of the person whose information was compromised.

What does the Notice of Risk to Personal Data Act have to do with information management?

According to the Act, information brokers are responsible for the security of their electronic and computerized customer records. If information brokers experience a security breach and disclose personal information to unauthorized parties, they are responsible for notifying the affected individuals.

By monitoring and controlling the amount of customer data held on site in electronic form, information brokers can reduce the risk of losing or otherwise releasing data to unauthorized parties. Computer backups containing personal information that are no longer needed should be disposed of securely. Similarly, other electronic mediums containing personal information, such as CDs computer disks and hard drives should be destroyed once no longer needed.

What do information brokers have to do to comply with the Act?

Information brokers must alert affected Maine residents when their unencrypted personal information is acquired, or is believed to have been acquired, by unauthorized parties. Methods for notifying affected individuals are outlined in the Act. If the cost of notifying affected individuals is more than \$5,000, or if the number of affected individuals exceeds 1,000 or if the information broker does not have sufficient contact information for the affected individuals, substitute notification methods may be followed. In addition, information brokers must notify the appropriate state regulators within Maine's Department of Professional and Financial Regulation or the state Attorney General of any security breach.

Businesses that violate this Act may be fined up to \$500 per violation, up to a maximum of \$2,500 for each day the information broker is in violation of the Act.

Additionally, information brokers that experience a security breach of more than 1,000 persons at a time must contact all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis to notify them of the breach.

How can we help?

As you develop your document disposal program in accordance with the Maine Notice of Risk to Personal Data Act, consider contracting Securit to handle your document destruction needs. Securit destroys all of your confidential materials, including electronic data such as CD-ROMs/CD-Rs/DVDs and computer backups. By providing locked consoles for your office, Securit makes it easy and efficient to destroy unnecessary copies of your customers' personal information. Securit destroys documents on site in our mobile shredding truck. Documents are shredded into confetti sized pieces and then recycled. For peace of mind, contact Securit today at 1 800 697-4733.

For more information:

Maine State Legislature - <http://www.janus.state.me.us/legis/>

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