Information Compiled September 2009	1. The United States	American Recovery and Reinvestment Act of 2009 ¹ (HIPAA)	Bank Holding Company Act of 1956 Appendix F to Part 225 – Interagency Guidelines Establishing Information Security"	221: D	S.139 : Data Breach Notification Act	S-P 248 ?????? THIS SHOULD DISAPPEAR	California -Civil Codes 1798.29, 1798.80 - 1798.84	California - SB20 (which will amend Civil Code 1798.29 and 1798.82) NEW	2. Canada: Privacy Breach Guideline	3. Australia	Privacy Amendment Bill 2007	Draft Guide 2008	ALRC Discussion Paper	4. New Zealand: Privacy Breach Guidelines	5. South Africa: SALRC Draft Bill on Privacy 2009	6. Japan	7. South Korea	8. China	9. Hong Kong: Personal Data (Privacy) Ordinance Code of Practice on Consumer Credit Data (2003); Privacy at Work (2004); Code of Practice on the Identity Card Number (1997)	n Techno nent Act	11. European Union: Directive on Electronic and Privacy Communications ii	EU Commission Proposal 12 Inited Kingdom: Proposal by House of	Conted Ningdom: Floposal Lords Committee	UK: Privacy and Electronic Communications Regulations	13. Ireland: Data Protection Act (1988) and Amendment Act (2003); and Ireland Data	14. Spain : Personal Data Protection Act: Telecommunications Act	15. Italy : Data Protection Code	16. Sweden: Electronic Communications Act	17. The Netherlands: Telecommunications Act	18. France: Postal and Electronic Communications Code	19. Germany: S 93 Telecommunications Act	20. Denmark : Act on Processing of Personal Data 2000	21. Norway: Personal Data Act 2000	22. Hungary: On the Protection of Personal Data and the Disclosure of Data of Public	23. Slovakia: Protection of Personal Data Act 2002 and Amendment Act 2005	24. Malta: Data Protection Act 2001
Actual (A) or Proposed (P) or Guideline (G)		А	Α	P	P ^v	Р	А	Р	G		Р	G	G		Р	G	Р	?	А	А	Р	Р	G	А	A and G	Α	Α	Α	А	Α	А	А	А	А	Α	А
Broad Non-Specific Definition of Personal Information		Υ													Υ	Υ	Υ		Υ	Υ	Y	Y	Υ	Υ	Υ	Υ						Υ	Υ	Y	Υ	Y
Driver's License Number			Υ		Υ	Υ	Y ^{vi}		Υ			Υ	Υ	Υ	Υ																					
Financial Account Number			Y		Y	v	Y ^{vii} Y ^{viii}		Y			Y	Y	Y	Y																					1
Debit Card Number Credit Card Number			Y	Y	Υ	Y	Yix		Y			Y	Y	Y	Y																					1
Checking Account Number							<u> </u>		'				- +	- +	Y																					
Savings Account Number															Υ																					
Personal identification			.,	Υ	Υ	Υ	Y×				Ī		T	Ī	Υ			Ī						T	Ţ					Ţ					· <u> </u>	1
Number Electronic Identification			Υ	Υ	Υ																															1
Number Employer Identification Number				-	•		Y ^{xi}								Y																					
National ID (eg. Social			Υ	Υ	Υ		Y ^{xii}												Y (Code:																	+
Security)						Υ	Υ~"		Y					Υ	Υ				Identity)																	
Routing Code					Υ										Υ																					
Digital Signature Biometric Data					Υ	Υ									Υ																				Y: Special rules	
Fingerprints Account Passwords			Υ		Y Y		Y ^{xiii}								Y Y																				raics	
Mother's Maiden Name			V		Υ	Υ																														
Address Date of Birth			Υ		Y										Y																					
Medical Information		Υ		Υ			Y ^{xiv}		Y				Υ	Υ	Y																	Υ	Υ		Y: Special	
									'				'	'	'																		'		rules	
Health Insurance Information							Y ^{xv}																													
Encrypted Data Safe Harbour		Y ^{xvi}		Υ	Υ		Y ^{xvii}								Υ						Υ															
Likelihood of 'serious harm'					Υ																															
provision OR "significant						Υ			Υ			Υ	Υ	Υ		N	N				Y	N	Υ	Υ		Υ	Υ	Υ	Υ	Υ	Υ					
risk" Any Harm' provision			Υ								Υ	Υ				N	N					N														
External determination			ı													N			Υ		Υ															
Self Determined Standard		Y ^{xviii}	Υ	Υ	Υ	Υ	Y ^{xix}		Υ		Υ	Υ	Υ	Υ		N	N		Y: (Code: Consumer Credit)		Y	N											Υ			
Notice to Privacy		Y ^{xx}																	Y: (Code:																	Υ
Commissioner (or equivalent).			Y ^{xxi}	Y xxii		Y		Y ^{xxiii}	Υ			Υ	Υ	Υ	Υ	Υ	Υ	Υ	Consumer Credit)		Y	Y	Υ	N	У			Υ					Υ	У	Υ	
Data Owner/ Licenser Notify		Υ	Υ	Υ	Υ	Υ	Y ^{xxiv}		Υ		Υ	Υ		Υ	Υ	Y	Υ		· · · · · · · · · · · · · · · · · · ·		Υ												Υ		Maybe	
Individuals Written Notice Allowed		Υ	Υ	Υ	Υ		Yxxv		-		•	-		-	•		•																		,	1
Electronic Notice Allowed		Y	Y		Y	Υ	Y ^{xxvi}		Υ		Υ	Υ	Υ	Υ	Υ																					1
Substitute Notice Allowed		Υ		Y		Υ	Y ^{xxvii}		Υ		Υ	Υ		Υ	Y																					
ISP or Network Operator		Ţ							[T						Y with							Υ		Υ	Ţ	Υ	Y		Υ	Υ	Υ	_		1 1	Marilia	
Notify Subscribers not all users															limitat ions									ī		ī	,		T	ī	ī				Maybe	
Data Maintainer (including ISP in Europe) Notify									Υ		Υ			Υ	Y	Y	Υ									Υ	Y									
Individuals Set Time Period to Notify Individuals		Y ^{xxviii}					xxix		Υ		N		Υ	Υ	Υ																					
Safeguarding of Information Required			Υ	Υ		Υ			Υ					Υ	Υ	Υ	Υ		Υ	у	Y	Y			Υ							Υ	Υ		Υ	Y
Appropriate Security Measures' Specified															Υ		Υ		Y: (Code: Consumer Credit)				N	N	Υ	Υ	Υ	N	N	N	N				Υ	
Specific Monetary Penalties Outlined		Υ		Υ	Υ		Y×××						Υ			Υ	Υ		Cicuiti	Υ					у							Υ	Y to liabilit		Υ	Y
Security Credit Freezes																																	У			
Best Practice Security Program									Υ																										Υ	
Data Destruction and				Υ		Υ								Υ	Υ		Υ		Υ						Υ							Υ	Υ		Υ	Υ
Disposal		Y ^{xxxi}												-	•		•		Y: (Code:													•			-	Y
Register of notifications to		•				Y ^{xxxii}	1				Υ								Consumer		Υ														Υ	'

Enacted Feb 17th 2009. Includes provisions dealing with the security of health information and requires covered entities to notify affected persons in cases of breach of protected health information. This Act should be read in combination with the

[&]quot;Regulation required by Gramm-Leach-Blilely Act 1999 (GLBA) sec 501(b) – requires financial institutions to establish standards for financial institutions relating to administrative, technical, and physical safeguards. 15 U.S.C 6801. http://www.fdic.gov/regulations/laws/rules/6000-100.html.

The draft legislation only concerns/applies to ISPs and telecoms ("notification requirements are limited to security breaches which occur in the electronic communications sector")

iv A bill introduced into the 111th Congress by congressman Bobby Rush to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach.

A bill introduced into the 111th Congress by Senator Diane Feinstein to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information

vi 1798.29(e)(2)- in regards to an agency, 1798.82(e)(2) – in regards to a business

vii 1798.29(e)(3)- in regards to an agency, 1798.82(e)(3) – in regards to a business

^{viii} 1798.29(e)(3)- in regards to an agency, 1798.82(e)(3) – in regards to a business

ix 1798.29(e)(3)- in regards to an agency, 1798.82(e)(3) – in regards to a business

 $^{^{}x}$ 1798.29(e)(3)- in regards to an agency, 1798.82(e)(3) – in regards to a business

xi 1798.29(e)(3)- in regards to an agency, 1798.82(e)(3) – in regards to a business

xii 1798.29(e)(1)- in regards to an agency, 1798.82(e)(1) – in regards to a business

xiii 1798.29(e)(3)- in regards to an agency, 1798.82(e)(3) – in regards to a business

xiv 1798.29(e)(4)- in regards to an agency, 1798.82(e)(4) – in regards to a business

 $^{^{}xv}$ 1798.29(e)(5) and (f)(3)- in regards to an agency, 1798.82(e)(5) and (f)(3) – in regards to a business

xvi ARRA sec 13401 (h)(1)

xvii 1798.29(a)- in regards to an agency, 1798.82(a) – in regards to a business

xviii Sec 13401 – For information that "has been or is reasonably believed by the" entity to have been "accessed, acquired, or disclosed"

xix 1798.29(a)- in regards to an agency, 1798.82(a) – in regards to a business

xx Reports to be made to Congress detailing the breaches. 13402(i)

xii Notification to the institution's primary Federal regulator as soon as possible when the institution becomes aware of an incident

xxii Notification of breach to FTC (Federal Trade Commissioner)

The bill will require the Attorney General to be notified of security breaches which involve more than 500 California residents

xxiv 1798.29(b)- in regards to an agency, 1798.82(b) – in regards to a business

 $^{^{}xxv}$ 1798.29(g)(1)- in regards to an agency, 1798.82(g)(1) – in regards to a business

^{1798.29(}g)(2)- in regards to an agency, 1798.82(g)(2) – in regards to a business

xxvii 1798.29(g)(3)- in regards to an agency, 1798.82(g)(3) – in regards to a business

xxiii S 13401 – "made without unreasonable delay and in no case later than 60 calendar days after the discovery of a breach"

xxix 1798.29(a)- in regards to an agency, 1798.82(a) – in regards to a business The disclosure shall be made in the most expedient time possible and without unreasonable delay

xxx1798.84, but this only indicates fines relating to data breach to third parties for direct marketing purposes.

xxxi ARRA sec 13401 (e)(3)

xxxii United States Secret Service is to report to Congress upon request