

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 1, 2018
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB18-1128 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend reengrossed bill, page 4, line 10, strike "NONAFFILIATED THIRD
- 2 PARTY;" and substitute "THIRD-PARTY SERVICE PROVIDER;".
- 3 Page 5, line 8, strike "WITH".
- 4 Page 5, line 23, after "A" insert "PERSON ACTING AS A".
- 5 Page 8, line 8, strike "WITH".
- 6 Page 8, strike line 14 and substitute "~~the security of the system~~ BECOMES
- 7 AWARE THAT A SECURITY BREACH MAY HAVE".
- 8 Page 8, strike line 27.
- 9 Page 9, strike line 1 and substitute:
- 10 "(a.2) IN THE CASE OF A BREACH OF PERSONAL INFORMATION,".
- 11 Page 9, line 11, strike "THAT WAS BREACHED".
- 12 Page 9, line 25, after "BY" insert "SUBSECTION (2)(a.2) OF".
- 13 Page 9, line 26, strike "NO" and substitute "NOT".

- 1 Page 10, line 10, strike "THAT".
- 2 Page 10, line 17, strike "NOTICE," and substitute "NOTICE THROUGH OTHER
3 METHODS,".
- 4 Page 11, line 18, strike "AS SOON AS POSSIBLE" and substitute "IN THE
5 MOST EXPEDIENT TIME POSSIBLE,".
- 6 Page 12, line 4, after "faith," insert "IN THE MOST EXPEDIENT TIME
7 POSSIBLE AND".
- 8 Page 12, line 13, after "notify," insert "IN THE MOST EXPEDIENT TIME
9 POSSIBLE AND".
- 10 Page 12, strike line 27 and substitute:
11 "(f) (I) THE COVERED ENTITY THAT MUST NOTIFY COLORADO
12 RESIDENTS OF A DATA BREACH PURSUANT TO THIS SECTION".
- 13 Page 13, line 1, strike "BREACHED".
- 14 Page 13, line 2, strike "AS SOON AS PRACTICABLE" and substitute "IN THE
15 MOST EXPEDIENT TIME POSSIBLE AND WITHOUT UNREASONABLE DELAY,".
- 16 Page 13, line 4, strike "OCCURRED" and substitute "OCCURRED,".
- 17 Page 13, strike line 9 and substitute:
18 "(II) THE COLORADO ATTORNEY GENERAL SHALL DESIGNATE A
19 PERSON OR PERSONS AS A POINT OF CONTACT FOR FUNCTIONS SET FORTH
20 IN THIS SUBSECTION (2)(f) AND SHALL MAKE THE CONTACT INFORMATION
21 FOR THAT PERSON OR THOSE PERSONS PUBLIC ON THE ATTORNEY
22 GENERAL'S WEBSITE AND BY ANY OTHER APPROPRIATE MEANS.
23 (g) THE BREACH OF ENCRYPTED OR OTHERWISE SECURED".
- 24 Page 13, line 22, strike "customers" and substitute "~~customers~~
25 RESIDENTS".
- 26 Page 14, lines 24 and 25, strike "HAS BEEN, WILL BE, OR".
- 27 Page 17, line 14, strike "NONAFFILIATED THIRD PARTY;" and substitute
28 "THIRD-PARTY SERVICE PROVIDER;".

- 1 Page 18, line 13, strike "WITH".
- 2 Page 21, line 19, strike "WITH".
- 3 Page 21, strike line 24 and substitute "IT BECOMES AWARE THAT A
4 SECURITY BREACH MAY HAVE OCCURRED, CONDUCT IN".
- 5 Page 22, strike lines 10 and 11 and substitute:
6 "(b) IN THE CASE OF A BREACH OF PERSONAL INFORMATION,
7 NOTICE".
- 8 Page 22, line 21, strike "THAT WAS BREACHED".
- 9 Page 23, line 8, after "BY" insert "SUBSECTION (2)(b) OF".
- 10 Page 23, line 9, strike "NO" and substitute "NOT".
- 11 Page 23, line 20, strike "THAT".
- 12 Page 23, line 27, strike "NOTICE," and substitute "NOTICE THROUGH OTHER
13 METHODS,".
- 14 Page 24, line 25, strike "AS SOON AS POSSIBLE" and substitute "IN THE
15 MOST EXPEDIENT TIME".
- 16 Page 25, line 10, strike "WITHOUT UNREASONABLE DELAY" and substitute
17 "IN THE MOST EXPEDIENT TIME POSSIBLE AND WITHOUT UNREASONABLE
18 DELAY,".
- 19 Page 25, line 13, strike "INVESTIGATION" and substitute
20 "INVESTIGATION,".
- 21 Page 25, line 18, after "NOTIFY," insert "IN THE MOST EXPEDIENT TIME
22 POSSIBLE AND".
- 23 Page 26, strike lines 4 and 5 and substitute:
24 "(k) (I) THE GOVERNMENTAL ENTITY THAT MUST NOTIFY
25 COLORADO RESIDENTS OF A DATA BREACH PURSUANT TO THIS SECTION
26 SHALL PROVIDE NOTICE OF ANY SECURITY BREACH TO THE COLORADO
27 ATTORNEY GENERAL IN THE MOST EXPEDIENT TIME POSSIBLE AND
28 WITHOUT UNREASONABLE DELAY, BUT NOT".

1 Page 26, line 7, strike "OCCURRED" and substitute "OCCURRED,".

2 Page 26, strike line 12 and substitute:

3 "(II) THE COLORADO ATTORNEY GENERAL SHALL DESIGNATE A
4 PERSON OR PERSONS AS A POINT OF CONTACT FOR FUNCTIONS SET FORTH
5 IN THIS SUBSECTION (2)(k) AND SHALL MAKE THE CONTACT INFORMATION
6 FOR THAT PERSON OR THOSE PERSONS PUBLIC ON THE ATTORNEY
7 GENERAL'S WEBSITE AND BY ANY OTHER APPROPRIATE MEANS.

8 (I) THE BREACH OF ENCRYPTED OR OTHERWISE SECURED".

9 Page 26, line 25, strike "CUSTOMERS" and substitute "RESIDENTS".

10 Page 27, lines 17 and 18, strike "HAS BEEN, WILL BE, OR".

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