

West's Annotated Indiana Code
Title 24. Trade Regulation
Article 4.9. Disclosure of Security Breach
Chapter 3. Disclosure and Notification Requirements

IC 24-4.9-3-1

24-4.9-3-1 Duty of data base owner to disclose breach

Effective: July 1, 2009

[Currentness](#)

Sec. 1. (a) Except as provided in [section 4\(c\)](#), 4(d), and 4(e) of this chapter, after discovering or being notified of a breach of the security of data, the data base owner shall disclose the breach to an Indiana resident whose:

- (1) unencrypted personal information was or may have been acquired by an unauthorized person; or
- (2) encrypted personal information was or may have been acquired by an unauthorized person with access to the encryption key;

if the data base owner knows, should know, or should have known that the unauthorized acquisition constituting the breach has resulted in or could result in identity deception (as defined in [IC 35-43-5-3.5](#)), identity theft, or fraud affecting the Indiana resident.

(b) A data base owner required to make a disclosure under subsection (a) to more than one thousand (1,000) consumers shall also disclose to each consumer reporting agency (as defined in [15 U.S.C. 1681a\(p\)](#)) information necessary to assist the consumer reporting agency in preventing fraud, including personal information of an Indiana resident affected by the breach of the security of a system.

(c) If a data base owner makes a disclosure described in subsection (a), the data base owner shall also disclose the breach to the attorney general.

Credits

As added by [P.L.125-2006, SEC.6](#). Amended by [P.L.137-2009, SEC.4](#).

[Notes of Decisions \(1\)](#)

I.C. 24-4.9-3-1, IN ST 24-4.9-3-1

The statutes and Constitution are current with all legislation of the 2018 Second Regular Session and First Special Session of the 120th General Assembly.