

State Privacy and Security Coalition, Inc.

March 13, 2012

The Honorable Gerry Fox, Co-Chair
Judiciary Committee
Legislative Office Building, Room 2500
Hartford, CT 06106

The Honorable Eric Coleman, Co-Chair
Judiciary Committee
Legislative Office Building, Room 2500
Hartford, CT 06106

Re: Opposition to Raised Bill HB 5427

Dear Co-Chairs Fox and Coleman and Members of the Committee:

As a coalition of leading e-commerce and media companies and trade associations, we write to express our strong opposition the requirement in HB 5427's to notify the Attorney General "immediately" of any data security breach.

Forty-five other states have breach notice laws and not one contains this requirement – for good reason.

First, it is totally impractical to notify the AG immediately after a breach, because without investigating the incident, businesses often have no idea whether any personal information was involved, much less whether the breach relates to personal data of Connecticut residents.

Second, notifying the AG would take time away from the critical tasks of remediating the breach, securing the security of the system, investigating what occurred, and preparing notice to affected individuals.

Third, the breach notice would almost never provide useful information to the State Attorney General's office, because it would be too early to know what happened or whether there was risk of harm.

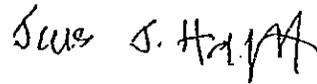
Finally, providing information about a security breach incident that might be obtained through a freedom of information request could tip off thieves or hackers that they had obtained valuable personal information. For example, if tipped off, thieves may make an effort to recover this personal information from a hard drive that, under normal circumstances, they would simply throw away.

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For all these reasons, we urge that you oppose HB 5427. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "James J. Halpert". The signature is written in a cursive style with some capitalization.

James J. Halpert
General Counsel