



Elsevier
LexisNexis
Reed Business

March 14, 2012

Senator Eric D. Coleman
Co-Chair, Joint Committee on Judiciary
Legislative Office Building
Room 2500
Hartford, CT 06106-1591

Representative Gerald M. Fox, III
Co-Chair, Joint Committee on Judiciary
Legislative Office Building
Room 2502
Hartford, CT 06106-1591

RE: Opposition to House Bill 5427

Dear Chairman Coleman and Chairman Fox:

On behalf of Reed Elsevier and its division LexisNexis, I am writing to convey our company's opposition, as drafted, to House Bill 5427. While we understand the intent of this legislation to allow the Attorney General's office to understand breaches and assist consumers in responding to these notices appropriately, we are also concerned that the bill as drafted, with notification to the Attorney General to occur immediately upon discovery of the breach, would actually harm consumers in unintended ways.

By way of background, LexisNexis is recognized as a leading provider of authoritative legal, public records and business information. LexisNexis plays a vital role in supporting government, law enforcement and business customers who use our information services for important uses including: detecting and preventing identity theft and fraud, locating suspects, finding missing children and preventing and investigating criminal and terrorist activities.

Requiring that an immediate notice of a security breach be sent to the Attorney General would place unworkable burdens on both businesses and consumers. One example of these unintended outcomes is that notification to the Attorney General upon discovery of the breach may not provide concrete information upon which the Attorney General could rely. Depending on the

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type of breach that has occurred, it could take time to determine who is impacted, including the key information as to whether any individuals subject to the breach are Connecticut residents. Upon immediate notification, a business may not know how the breach occurred, whether it is ongoing, and whether a system change was needed to protect consumers. A business would want to ensure that the possibilities of further breaches are mitigated before giving the notice to others.

Additionally, we are concerned that providing such a notice to the Attorney General upon discovery of the security breach could inadvertently place Connecticut residents' information at risk. We are concerned that the notices given to the Attorney General to assist consumers could be subject to a FOIA request with the risk that the information is conveyed through a FOIA request to the world at large. As stated above, businesses need a reasonable time to restore the security of the system before information of the breach is released. In the bill's original form, this notification to the Attorney General would not allow that review to occur. We would be concerned if this added notice served to provide hackers and wrong-doers information needed to access an already vulnerable system.

Finally, a fundamental part of a response to a breach may be work accomplished with the guidance and direction of law enforcement. In an instance when law enforcement deems that communications on the breach should not occur, we would want to make sure that that directive could be followed completely. This need is especially true when the notification could be conveyed to others through a FOIA request. We are concerned with the drafting of HB 5427 where these law enforcement directives might be undermined.

We appreciate the intent of the Attorney General's office, and we would welcome the opportunity to work with the office to help craft a workable solution. In the meantime, we would oppose House Bill 5427 as currently drafted. Thank you for your consideration of this manner, and please do not hesitate to contact me with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Teresa L. Jennings". The signature is fluid and somewhat stylized, with a large initial 'T' and 'J'.

Teresa L. Jennings
Managing Director, State Government Affairs
Reed Elsevier, Inc.

cc: Members, Standing Joint Committee on Judiciary