

2005 ASSEMBLY BILL 320

April 15, 2005 – Introduced by Representatives STASKUNAS, BLACK, ZEPNICK, HAHN, BERCEAU, VAN AKKEREN, CULLEN, TURNER, LEHMAN, POCAN, OTT, SHILLING, GUNDERSON, SEIDEL, MCCORMICK, HINES, STONE, ALBERS, PRIDEMORE and MOLEPSKE, cosponsored by Senators HANSEN, CARPENTER, COGGS and DARLING. Referred to Committee on Judiciary.

1 **AN ACT** *to create* 895.507 of the statutes; **relating to:** notice regarding
2 unauthorized use of personal information.

Analysis by the Legislative Reference Bureau

This bill requires a business (or other corporate entity) that knows of the unauthorized use of unencrypted personal identifying information that was obtained from the business to make reasonable efforts to notify the individual whose personal identifying information was used. Generally, a business must notify the individual within 30 days after the business learns of the unauthorized use.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 895.507 of the statutes is created to read:
4 **895.507 Notice of unauthorized use of personal identifying**
5 **information. (1) DEFINITIONS.** In this section:
6 (a) “Entity” means a person, other than an individual, that in the ordinary
7 course of business maintains personal identifying information.

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1 (b) “Personal identifying information” has the meaning given in s. 943.201 (1)

2 (b) but does not include publicly available information.

3 (c) “Publicly available information” means any information that an entity
4 reasonably believes is one of the following:

5 1. Information that is lawfully made widely available through any media.

6 2. Information that is lawfully made available to the general public from
7 federal, state, or local government records or disclosures to the general public that
8 are required to be made by federal, state, or local law.

9 **(2) REQUIRED NOTICE.** (a) If an entity knows of the unauthorized use of
10 unencrypted personal identifying information that was obtained from the entity
11 while in the entity’s possession, it shall make reasonable efforts to notify each
12 individual who is the subject of the personal identifying information. The notice
13 shall indicate that the entity knows of the unauthorized use of personal identifying
14 information relating to the individual.

15 (b) 1. The entity shall provide the notice under par. (a) in a manner and, subject
16 to sub. (4), within a time that is reasonable, taking into consideration the number of
17 notices that it must provide and the methods of communication available to the
18 entity.

19 2. Notwithstanding subd. 1., the entity shall provide any notice required under
20 par. (a) within 30 days after the entity learns of the unauthorized use of the personal
21 identifying information or, if sub. (4) applies, within 30 days after the end of the time
22 period specified by a law enforcement agency under that subsection.

23 (c) Notwithstanding pars. (a) and (b), an entity is not required to provide notice
24 to an individual of the unauthorized use of personal identifying information relating
25 to that individual if the entity learns of the unauthorized use from that individual.

