

HB1128_L.016

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB18-1128 be amended as follows:

- 1 Amend the 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, line 14, strike "DETERMINES" and substitute "BECOMES AWARE".
- 7 Page 8, strike line 27.
- 8 Page 9, strike line 1 and substitute:
9 "(a.2) IN THE CASE OF A BREACH OF PERSONAL INFORMATION,".
- 10 Page 9, line 11, strike "THAT WAS BREACHED".
- 11 Page 9, line 25, after "BY" insert "SUBSECTION (2)(a.2) OF".
- 12 Page 9, line 26, strike "NO" and substitute "NOT".
- 13 Page 10, line 10, strike "THAT".
- 14 Page 11, line 18, strike "AS SOON AS POSSIBLE" and substitute "IN THE
15 MOST EXPEDIENT TIME POSSIBLE,".
- 16 Page 12, line 4, after "faith," insert "IN THE MOST EXPEDIENT TIME
17 POSSIBLE AND".
- 18 Page 12, line 13, after "notify," insert "IN THE MOST EXPEDIENT TIME
19 POSSIBLE AND".
- 20 Page 12, strike line 27 and substitute:
21 "(f) (I) THE COVERED ENTITY THAT MUST NOTIFY COLORADO
22 RESIDENTS OF A DATA BREACH PURSUANT TO THIS SECTION".
- 23 Page 13, line 1, strike "BREACHED".
- 24 Page 13, line 2, strike "AS SOON AS PRACTICABLE" and substitute "IN THE
25 MOST EXPEDIENT TIME POSSIBLE AND WITHOUT UNREASONABLE DELAY,".

- 1 Page 13, line 4, strike "OCCURRED" and substitute "OCCURRED,".
- 2 Page 13, strike line 9 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)(f) 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 (g) THE BREACH OF ENCRYPTED OR OTHERWISE SECURED".
- 9 Page 13, line 22, strike "customers" and substitute "customers
10 RESIDENTS".
- 11 Page 14, lines 24 and 25, strike "HAS BEEN, WILL BE, OR".
- 12 Page 17, line 14, strike "NONAFFILIATED THIRD PARTY;" and substitute
13 "THIRD-PARTY SERVICE PROVIDER;".
- 14 Page 18, line 13, strike "WITH".
- 15 Page 21, line 19, strike "WITH".
- 16 Page 21, line 24, strike "DETERMINES" and substitute "BECOMES AWARE".
- 17 Page 22, strike lines 10 and 11 and substitute:
18 "(b) IN THE CASE OF A BREACH OF PERSONAL INFORMATION,
19 NOTICE".
- 20 Page 22, line 21, strike "THAT WAS BREACHED".
- 21 Page 23, line 8, after "BY" insert "SUBSECTION (2)(b) OF".
- 22 Page 23, line 9, strike "NO" and substitute "NOT".
- 23 Page 23, line 20, strike "THAT".
- 24 Page 24, line 25, strike "AS SOON AS POSSIBLE" and substitute "IN THE
25 MOST EXPEDIENT TIME".
- 26 Page 25, line 10, strike "WITHOUT UNREASONABLE DELAY" and substitute
27 "IN THE MOST EXPEDIENT TIME POSSIBLE AND WITHOUT UNREASONABLE
28 DELAY,".
- 29 Page 25, line 13, strike "INVESTIGATION" and substitute

1 "INVESTIGATION,".

2 Page 25, line 18, after "NOTIFY," insert "IN THE MOST EXPEDIENT TIME
3 POSSIBLE AND".

4 Page 26, strike lines 4 and 5 and substitute:

5 "(k) (I) THE GOVERNMENTAL ENTITY THAT MUST NOTIFY
6 COLORADO RESIDENTS OF A DATA BREACH PURSUANT TO THIS SECTION
7 SHALL PROVIDE NOTICE OF ANY SECURITY BREACH TO THE COLORADO
8 ATTORNEY GENERAL IN THE MOST EXPEDIENT TIME POSSIBLE AND
9 WITHOUT UNREASONABLE DELAY, BUT NOT".

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

11 Page 26, strike line 12 and substitute:

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

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

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

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

** **