



## DATA PRIVACY IN COLORADO

by Lauren Lambert Schreier

Data breaches are becoming increasingly common and bring uncertainty for private citizens. According to the Federal Trade Commission, identity theft is one of the fastest growing crimes in the United States. Data breaches impose significant costs on both individuals whose personal identifying information may be maliciously used and businesses that have been targeted. This *issue brief* describes state law and the steps individuals can take to protect their personal identifying information.

Strong data security procedures are necessary to protect the personal identifying information of citizens. Colorado law works to enforce federal regulations and offer protections to citizens. Federal regulations provide protection for consumers, detail existing privacy laws, and define the role of the private sector in improving cyber security. Once a thief has access to an individual's personal identifying information, the individual can take steps to protect himself or herself under the law.

**Colorado Law.** The Colorado Consumer Protection Act (act) protects Colorado consumers and businesses against fraudulent activity.<sup>1</sup> The act requires any individual or commercial entity to disclose a potential security breach to any affected Colorado residents. The act requires that an entity share this information with consumers within a reasonable time frame. If an entity fails to contact any affected Colorado residents, the Colorado Attorney General's office may investigate the violation.

The act also allows Colorado citizens who have been the victim of identity theft or have had their personal identifying information compromised to request that consumer reporting bureaus place a security freeze on their credit reporting.

A security freeze prohibits access to a person's credit information except with the individual's consent. This allows consumers to combat fraudulent activity by requiring any credit reporting, name changes, social security changes, or address changes to be approved by the consumer first. Consumers can also call one of the three major credit reporting bureaus and request an initial fraud alert. A fraud alert, which is less restrictive than a security freeze, requires that any creditors requesting a person's information answer questions to verify an individual's identity prior to the release of any information. A fraud alert remains on a consumer's account for at least 90 days.

**State cyber security.** Colorado also takes precautions to protect the personal identifying information it maintains. Under the Colorado Information Security Act, the Office of Information Technology (OIT) oversees the daily information technology operations of all state agencies. In this capacity, the OIT centrally directs the information technology and cyber security strategies of 18 state agencies. The OIT also annually approves and continuously monitors the cyber security plans of all other state agencies and ensures these agencies are complying with all state and federal cyber security regulations. State agencies must submit their cyber security plans annually for approval by the OIT. In order

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1. Section 6-1-101-1121, C.R.S.

to mitigate risk, the OIT may require state agencies to make changes to these plans. The OIT also maintains a detailed Security Incident Response Plan, for a centralized approach to addressing cyber security incidents.

**Consumer assistance.** The Colorado Attorney General's Office recommends key steps that consumers may take to address the situation if they are a victim of identity theft and what consumers can do to protect themselves against cyber security threats.

**If you are the victim of identity theft, act quickly to:**

- Order a credit report to monitor how your information may have been fraudulently used.
- File a police report.
- Contact your bank and other credit card issuers and maintain records of any communication.
- Notify the Social Security Administration.
- Contact all three major credit reporting bureaus.

The Attorney General also provides extensive information on identity theft: [http://www.coloradoattorneygeneral.gov/initiatives/identity theft](http://www.coloradoattorneygeneral.gov/initiatives/identity%20theft)

The Colorado Bureau of Investigation maintains a 24-hour toll-free hotline where citizens may call to report identity theft: [http://www.colorado.gov/cs/Satellite/CDPS-CBI Main/CBON/1251621968293](http://www.colorado.gov/cs/Satellite/CDPS-CBI/Main/CBON/1251621968293)

**Tips for Improving Your Cyber Security:**

- Protecting personal computers with malware, anti-virus, and spyware software.
- Do not respond to e-mails with personal identifying information.

- Create challenging passwords that combine letters, symbols, and numbers and update your passwords regularly. Do not use one password for multiple accounts.
- Never provide personal identifying information to unknown entities over the telephone.

**The Big Three Credit Reporting Bureaus:**

**Equifax**

[www.equifax.com](http://www.equifax.com)

P.O. Box 740241

Atlanta, GA 30374-0241

1-888-766-0008

**Experian**

[www.experian.com](http://www.experian.com)

P.O. Box 9532

Allen, TX 75013

1-888-EXPERIAN (397-3742)

**Transunion**

[www.transunion.com](http://www.transunion.com)

Fraud Victim Assistance Division

P.O. Box 6790

Fullerton, CA 92834-6790

1-800-680-7289