

The New SHIELD Act Changes Breach Notification Rules and Data Security Standards for New Yorkers' Personal Information

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Reflecting the movement to toughen data security laws on a state-by-state basis, on July 25, 2019, Governor Cuomo signed into law the Stop Hacks and Improve Electronic Data Security Act (the "SHIELD Act" or the "Act"). The Act amends New York State's current data breach notification law, which covers breaches of certain personally-identifiable computerized data (referred to in the New York breach law as "Private Information"). The Act also breaks new ground by imposing substantive data security requirements on businesses that own or lease the Private Information of New York residents, regardless of whether the businesses otherwise conduct business in New York State. Both portions of the Act are backed by potential civil penalties for noncompliance.

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