



ATTORNEY GENERAL  
**LESLIE RUTLEDGE**

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## **ENFORCEMENT ADVISORY ON NEW DATA BREACH REPORTING REQUIREMENT**

October 30, 2019 – This advisory is directed to individuals, businesses, and state agencies that acquire, own, or license personal information about the citizens of the State of Arkansas. The Attorney General's Office is charged with protecting Arkansas consumers, investigating instances where consumer personal information may have been exposed in a data breach and ensuring that notice is provided to consumers. To that end, the Personal Information Protection Act ("PIPA") was amended in July 2019 to require entities that experience a data breach to disclose the breach to affected individuals and, under certain circumstances, to also provide notice to the Office of the Attorney General.

Notice to the Attorney General is required in cases where the breach affects the personal information of more than one thousand (1,000) individuals. In cases such as this, notice to the Attorney General must be made at the same time that the breach is disclosed to the affected individuals or within forty-five (45) days after the entity determines that there is a reasonable likelihood of harm to consumers, whichever occurs first.

Personal information covered under PIPA is defined as:

An individual's first name or first initial in combination with any one or more of the following data elements when either the name or the data element is not encrypted or redacted:

- Social security number
- Driver's license number or Arkansas identification card number
- Account number, credit card number, or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; and
- Medical information

The 2019 amendment to PIPA added biometric data to the types of data that fall under the definition of personal information. Biometric data includes:

- Fingerprints
- A faceprint
- A retinal or iris scan

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- Hand geometry
- Voiceprint analysis
- Deoxyribonucleic acid (DNA)
- Any other unique biological characteristics of an individual if the characteristics are used by the owner or licensee to uniquely authenticate the individual's identity when the individual accesses a system or account

An online form has been made available for individuals, businesses, or state agencies to use to report a data breach to the Attorney General. The form can be accessed at <https://www.arkansasag.gov/forms/data-breach-reporting/>. Questions may be directed to the Attorney General's Office at (501) 682-2007.