

110TH CONGRESS
1ST SESSION

S. 1558

To amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2007

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency Data
5 Breach Protection Act”.

6 **SEC. 2. FEDERAL AGENCY DATA BREACH NOTIFICATION**
7 **REQUIREMENTS.**

8 (a) AUTHORITY OF DIRECTOR OF OFFICE OF MAN-
9 AGEMENT AND BUDGET TO ESTABLISH DATA BREACH

1 POLICIES.—Section 3543(a) of title 44, United States
2 Code, is amended—

3 (1) by striking “and” at the end of paragraph
4 (7);

5 (2) by striking the period and inserting “; and”
6 at the end of paragraph (8); and

7 (3) by adding at the end the following:

8 “(9) establishing policies, procedures, and
9 standards for agencies to follow in the event of a
10 breach of data security involving the disclosure of
11 sensitive personal information and for which harm to
12 an individual could reasonably be expected to result,
13 specifically including—

14 “(A) a requirement for timely notice to be
15 provided to those individuals whose sensitive
16 personal information could be compromised as a
17 result of such breach, except no notice shall be
18 required if the breach does not create a reason-
19 able risk of identity theft, fraud, or other un-
20 lawful conduct regarding such individual;

21 “(B) guidance on determining how timely
22 notice is to be provided; and

23 “(C) guidance regarding whether addi-
24 tional special actions are necessary and appro-
25 priate, including data breach analysis, fraud

1 resolution services, identity theft insurance, and
2 credit protection or monitoring services.”.

3 (b) AUTHORITY OF CHIEF INFORMATION OFFICER
4 TO ENFORCE DATA BREACH POLICIES AND DEVELOP
5 AND MAINTAIN INVENTORIES.—Section 3544(a)(3) of
6 title 44, United States Code, is amended—

7 (1) by inserting after “authority to ensure com-
8 pliance with” the following: “and, to the extent de-
9 termined necessary and explicitly authorized by the
10 head of the agency, to enforce”;

11 (2) by striking “and” at the end of subpara-
12 graph (D);

13 (3) by inserting “and” at the end of subpara-
14 graph (E); and

15 (4) by adding at the end the following:

16 “(F) developing and maintaining an inven-
17 tory of all personal computers, laptops, or any
18 other hardware containing sensitive personal in-
19 formation;”.

20 (c) INCLUSION OF DATA BREACH NOTIFICATION IN
21 AGENCY INFORMATION SECURITY PROGRAMS.—Section
22 3544(b) of title 44, United States Code, is amended—

23 (1) by striking “and” at the end of paragraph
24 (7);

1 (2) by striking the period and inserting “; and”
2 at the end of paragraph (8); and

3 (3) by adding at the end the following:

4 “(9) procedures for notifying individuals whose
5 sensitive personal information is compromised con-
6 sistent with policies, procedures, and standards es-
7 tablished under section 3543(a)(9) of this title.”.

8 (d) **AUTHORITY OF AGENCY CHIEF HUMAN CAPITAL**
9 **OFFICERS TO ASSESS FEDERAL PERSONAL PROPERTY.**—
10 Section 1402(a) of title 5, United States Code, is amend-
11 ed—

12 (1) by striking “, and” at the end of paragraph
13 (5) and inserting a semicolon;

14 (2) by striking the period and inserting “; and”
15 at the end of paragraph (6); and

16 (3) by adding at the end the following:

17 “(7) prescribing policies and procedures for exit
18 interviews of employees, including a full accounting
19 of all Federal personal property that was assigned to
20 the employee during the course of employment.”.

21 (e) **SENSITIVE PERSONAL INFORMATION DEFINI-**
22 **TION.**—Section 3542(b) of title 44, United States Code,
23 is amended by adding at the end the following:

24 “(4) The term ‘sensitive personal information’,
25 with respect to an individual, means any information

1 about the individual maintained by an agency, in-
2 cluding—

3 “(A) education, financial transactions,
4 medical history, and criminal or employment
5 history;

6 “(B) information that can be used to dis-
7 tinguish or trace the individual’s identity, in-
8 cluding name, social security number, date and
9 place of birth, mother’s maiden name, or bio-
10 metric records; or

11 “(C) any other personal information that
12 is linked or linkable to the individual.”.

○