

January 31, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1435

Page 1, line 1, replace "54-59-26" with "51-30-06"

Page 1, line 12, overstrike "number" and insert immediately thereafter "information"

Page 1, line 19, remove "in"

Page 1, remove line 20

Page 1, line 21, remove "would permit access to an individual's financial accounts"

Page 2, line 1, replace "number" with "information"

Page 3, line 3, after "Health" insert "insurance"

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 and 2

Page 6, after line 2 insert:

**"SECTION 3. AMENDMENT.** Section 51-30-06 of the North Dakota Century Code is amended and reenacted as follows:

**51-30-06. Alternate compliance.**

Notwithstanding section 51-30-05, a person that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this chapter is deemed to be in compliance with the notification requirements of this chapter if the person notifies subject individuals in accordance with its policies in the event of a breach of security of the system. A financial institution, trust company, or credit union that is subject to, examined for, and in compliance with the federal interagency guidance on response programs for unauthorized access to customer information and customer notice is ~~deemed to be~~ in compliance with this chapter. A covered entity, business associate, or subcontractor subject to breach notification requirements under title 45, Code of Federal Regulations, subpart D, part 164, is considered to be in compliance with this chapter."

Re-number accordingly