

112TH CONGRESS
1ST SESSION

H. R. 3730

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide notice to individuals whose sensitive personal information is involved in a data breach, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2011

Mr. DONNELLY of Indiana (for himself and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide notice to individuals whose sensitive personal information is involved in a data breach, and for other purposes.

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 “Veterans Data Breach
5 Timely Notification Act”.

1 **SEC. 2. NOTIFICATION BY THE SECRETARY OF VETERANS**
2 **AFFAIRS OF INDIVIDUALS WHOSE SENSITIVE**
3 **PERSONAL INFORMATION IS INVOLVED IN A**
4 **DATA BREACH.**

5 (a) IN GENERAL.—Subchapter III of chapter 57 of
6 title 38, United States Code is amended by inserting after
7 section 5724 the following new section:

8 **“§ 5724A. Data breach notification**

9 “(a) NOTIFICATION REQUIREMENT.—Except as pro-
10 vided in subsection (d), in the event of a data breach with
11 respect to sensitive personal information that is processed
12 or maintained by the Secretary, by not later than five busi-
13 ness days after the data breach, the Secretary shall notify
14 the appropriate committees of Congress and each indi-
15 vidual whose sensitive personal information is involved in
16 the data breach is notified of the data breach. If the Sec-
17 retary determines that providing such notification within
18 five business days is not feasible due to circumstances nec-
19 essary to accurately identify the individuals whose sen-
20 sitive personal information is involved in the data breach
21 or to prevent further breach or unauthorized disclosure
22 and reasonably restore the integrity of the data system
23 the Secretary shall provide such notification not later than
24 10 business days after the data breach.

25 “(b) CONTRACTS FOR DATA PROCESSING OR MAIN-
26 TENANCE.—If the Secretary enters into a contract for the

1 performance of any Department function that requires ac-
2 cess to sensitive personal information, the Secretary shall
3 require as a condition of the contract that the contractor
4 agree to provide notification of data breaches in the same
5 manner as required of the Secretary under subsection (a).

6 “(c) METHOD AND CONTENT OF NOTIFICATION.—

7 (1) Notification provided to an individual under subsection
8 (a) shall be provided clearly and conspicuously by one of
9 the following methods:

10 “(A) Written notification.

11 “(B) Notification by email or other electronic
12 means, if the Secretary’s primary method of commu-
13 nication with the individual is by email or such other
14 electronic means.

15 “(2) Regardless of the method by which notification
16 is provided to an individual under paragraph (1), such no-
17 tification shall include—

18 “(A) a description of the sensitive personal in-
19 formation involved in the data breach;

20 “(B) a telephone number that the individual
21 may use, at no cost to the individual, to contact an
22 appropriate employee of the Department to inquire
23 about the data breach or the individual’s sensitive
24 personal information maintained by the Department;

1 “(C) notice that the individual is entitled to re-
2 ceive, at no cost to such individual, credit protection
3 services under section 5724 of this title;

4 “(D) the toll-free contact telephone numbers
5 and addresses for the major credit reporting agen-
6 cies; and

7 “(E) a toll-free telephone number and website
8 address whereby the individual may obtain informa-
9 tion regarding identity theft.

10 “(d) NOTIFICATION OF GENERAL PUBLIC.—The Sec-
11 retary, acting through the Office of Public Affairs of the
12 Department, shall notify the general public concerning any
13 data breach involving sensitive personal information by
14 not later than five working days after the incident, unless
15 the Secretary determines that to do so is not feasible due
16 to circumstances necessary to accurately identify the indi-
17 viduals whose sensitive personal information is involved in
18 the data breach or to prevent further breach or unauthor-
19 ized disclosure and reasonably restore the integrity of the
20 data system, such notification shall be made as soon as
21 possible.

22 “(e) APPROPRIATE COMMITTEES OF CONGRESS.—In
23 this section, the term ‘appropriate committees of Con-
24 gress’ means the Committee on Veterans Affairs’ of the

1 House of Representatives and the Committee on Veterans'
2 Affairs of the Senate.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 5724 the following new
6 item:

“5724A. Data breach notification.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to a data breach oc-
9 ccurring on or after the date that is 90 days after the date
10 of the enactment of this Act.

○