

Services

Data Privacy &
Cybersecurity

Labor & Employment

Missouri's New Data Breach Notification Law

The State of Missouri recently enacted a Data Breach Notification Law that requires businesses to notify individuals whose personal information may have been disclosed or compromised. Examples of triggering events include a lost computer or file, an unauthorized posting to public forum, or even criminal action such as access by a "hacker" or theft of a company computer.

The new law goes into effect on August 28, 2009.

The new Missouri Data Breach Notification Law applies to the disclosure of these categories of personal information among others:

Social Security numbers

driver's license numbers

information that could be used to access an individual's financial accounts

Unlike the Data Breach Notification Laws of many other states, the Missouri law also applies to medical and health insurance information, including an individual's medical history, mental or physical condition, treatment or diagnosis, health insurance policy number, and any other unique identifier used by a health insurer.

We believe that it is important for our clients to note that the law applies to the personal information of customers as well as employees. The goal of the new Missouri law is to help individuals protect themselves against identity theft and account fraud that can happen after an information security breach. The duties and obligations of the business with respect to a possible data security breach incident will apply to all individuals -- whether customer or employee.

The new Missouri law also requires notice to the Missouri Attorney General and national consumer reporting agencies if more than 1,000 Missouri

residents must be notified. The Missouri law allows the Attorney General to seek actual damages or civil penalties for non-compliance and failure to notify.

The Missouri law does not require these procedures for each and every disclosure or compromise of personal information. For more information on compliance with the Missouri Data Breach Notification Law and measures that you can take to prevent Data Breach incidents including HR trainings and security measures, please contact your Husch Blackwell Sanders attorney.

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