

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 208

HOUSE BILL 2484

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 32; RELATING TO THE DISPOSAL OF PERSONAL IDENTIFYING INFORMATION RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 32, to read:

4 CHAPTER 32
5 RECORD DISCARD AND DISPOSAL
6 ARTICLE 1. DISCARD AND DISPOSAL OF PERSONAL
7 IDENTIFYING INFORMATION RECORDS

8 44-7501. Discarding and disposing of records containing
9 personal identifying information; civil penalty;
10 costs; affirmative defenses; enforcement; definition

11 A. AN ENTITY SHALL NOT KNOWINGLY DISCARD OR DISPOSE OF RECORDS OR
12 DOCUMENTS WITHOUT REDACTING THE INFORMATION OR DESTROYING THE RECORDS OR
13 DOCUMENTS IF THE RECORDS OR DOCUMENTS CONTAIN AN INDIVIDUAL'S FIRST AND LAST
14 NAME OR FIRST INITIAL AND LAST NAME IN COMBINATION WITH A CORRESPONDING
15 COMPLETE:

- 16 1. SOCIAL SECURITY NUMBER.
- 17 2. CREDIT CARD, CHARGE CARD OR DEBIT CARD NUMBER.
- 18 3. RETIREMENT ACCOUNT NUMBER.
- 19 4. SAVINGS, CHECKING OR SECURITIES ENTITLEMENT ACCOUNT NUMBER.
- 20 5. DRIVER LICENSE NUMBER OR NONOPERATING IDENTIFICATION LICENSE
21 NUMBER.

22 B. THIS SECTION MAY BE ENFORCED BY EITHER OF THE FOLLOWING:

23 1. A COUNTY ATTORNEY IN THE COUNTY IN WHICH THE RECORDS OR DOCUMENTS
24 WERE WRONGFULLY DISCARDED OR DISPOSED. IF A VIOLATION OCCURS BY THE SAME
25 ENTITY IN MULTIPLE COUNTIES, A COUNTY ATTORNEY IN A COUNTY IN WHICH RECORDS
26 OR DOCUMENTS WERE NOT PROPERLY DISCARDED OR DISPOSED OF, AFTER FILING A
27 NOTICE OF INTENT TO ENFORCE THIS SECTION, MAY SEND A COPY OF THE NOTICE TO
28 THE COUNTY ATTORNEY IN EACH COUNTY IN WHICH RECORDS OR DOCUMENTS WERE NOT
29 PROPERLY DISCARDED OR DISPOSED OF AND MAY REQUEST THAT THE ACTIONS BE
30 CONSOLIDATED.

31 2. THE ATTORNEY GENERAL.

32 C. A CIVIL PENALTY SHALL BE IMPOSED FOR EACH VIOLATION OF SUBSECTION A
33 ARISING OUT OF ONE INCIDENT. THE CIVIL PENALTY SHALL NOT EXCEED:

- 34 1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.
- 35 2. ONE THOUSAND DOLLARS FOR A SECOND VIOLATION.
- 36 3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

37 D. AN ENTITY THAT MAINTAINS AND COMPLIES WITH THE ENTITY'S OWN
38 PROCEDURES FOR THE DISCARDING OR DISPOSING OF RECORDS OR DOCUMENTS CONTAINING
39 THE INFORMATION LISTED IN SUBSECTION A THAT IS CONSISTENT WITH THE
40 REQUIREMENTS OF THIS SECTION SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS
41 SECTION.

42 E. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

43 1. AN ENTITY SUBJECT TO TITLE V OF THE GRAMM LEACH BLILEY ACT OF 1999
44 (P.L. 106-102; 113 STAT. 1338; 15 UNITED STATES CODE SECTIONS 6801 THROUGH
45 6809).

1 2. COVERED ENTITIES AS DEFINED UNDER REGULATIONS IMPLEMENTING THE
2 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, 45 CODE OF FEDERAL
3 REGULATIONS SECTION 160.103 (1996).

4 3. AN ENTITY SUBJECT TO THE FEDERAL FAIR CREDIT REPORTING ACT, 15
5 UNITED STATES CODE SECTION 1681X.

6 F. THIS SECTION ONLY APPLIES TO PAPER RECORDS AND PAPER DOCUMENTS.

7 G. FOR THE PURPOSES OF THIS SECTION, "ENTITY" INCLUDES A CORPORATION,
8 FOREIGN CORPORATION, NOT FOR PROFIT CORPORATION, PROFIT AND NOT FOR PROFIT
9 UNINCORPORATED ASSOCIATION, NONPROFIT CORPORATION, SOLE PROPRIETORSHIP, CLOSE
10 CORPORATION, CORPORATION SOLE OR LIMITED LIABILITY COMPANY, A PROFESSIONAL
11 CORPORATION, ASSOCIATION OR LIMITED LIABILITY COMPANY, A BUSINESS TRUST,
12 ESTATE, PARTNERSHIP, REGISTERED LIMITED LIABILITY PARTNERSHIP, TRUST OR JOINT
13 VENTURE, GOVERNMENT, GOVERNMENTAL SUBDIVISION OR AGENCY OR ANY OTHER LEGAL OR
14 COMMERCIAL ENTITY.

15 Sec. 2. Effective date

16 Title 44, chapter 32, Arizona Revised Statutes, as added by this act is
17 effective from and after September 30, 2006.

APPROVED BY THE GOVERNOR APRIL 25, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2006.