

New Jersey Data Breach Laws: Fines, Penalties, and Requirements

Businesses in New Jersey are required to respond to a data breach quickly. The first step is to notify the Division of the State Police in the Department of Law and Public Safety. Next, the affected consumers must be alerted through email or written notice. If the breach affects more than **1,000** people, the business owner must notify all consumer-reporting agencies. The Consumer Fraud Act enforces data breach notification statutes in New Jersey. A business that willfully, knowingly, or recklessly violates the Consumer Fraud Act may have to pay the injured party **three times** the damages (plus attorney fees and court costs).

Name of Law / Statute	Identity Theft Prevention Act
Definition of Protected Information	Combination of (1) name or other identifying info, PLUS (2) one or more of these "data" elements: SSN; driver's license number; or account number, credit card number, debit card number if accompanied by PIN, password, or access codes, BUT sometimes data without a name attached is considered PI
Who Is Subject to Law?	Any business doing business in the state
Notification of Consumers?	Yes, unless determination of no harm by business
By what means?	Written or electronic; if >1000 residents, must notify consumer reporting agencies
Substitute Notice Threshold?	If cost of notice >\$250,000 or involves >500k residents
Notification of authorities / regulators required?	Yes (must notify State Police before consumers)
By what means?	N/A
Regulatory Fines	Yes (under Consumer Protection Act)
Credit monitoring requirement?	No
Private lawsuits allowed?	Yes (under Consumer Protection Act)
Private damages cap?	Treble damages + costs and attorney fees
Regulatory actions allowed?	Yes

Link to complete law: <http://www.njleg.state.nj.us/2004/bills/pl05/226 .htm>