

A Patchwork of State Notification Breach Laws

- Makes compliance challenging
- Four Crucial Differences
 - Different media addressed
 - Definitions of “personal information” differ
 - Whether notification is triggered by harm threshold
 - Differences in notification requirements/who must be notified

FTC Enforcement Actions

- TJ Maxx: triggered by large data breach
- American United Mortgage Company: triggered by reports of documents containing PI being found in dumpster
- Nationwide Mortgage Group, Inc./ Sunbelt Lending Services, Inc.: triggered by nationwide sweep by FTC to assess compliance with Safeguards Rule