

**CS FOR HOUSE BILL NO. 65(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/7/07

Referred: Finance

Sponsor(s): REPRESENTATIVES COGHILL AND GARA, Hawker, Lynn, Samuels, Fairclough, Ramras, Kawasaki, Kerttula, Gatto, Neuman, Olson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the disclosure of permanent fund dividend applicant records,  
2 breaches of security involving personal information, credit report and credit score  
3 security freezes, protection of social security numbers, care of records, disposal of  
4 records, identity theft, credit cards, and debit cards, and to the jurisdiction of the office  
5 of administrative hearings; amending Rules 60 and 82, Alaska Rules of Civil Procedure;  
6 and providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 \* **Section 1.** AS 40.21.110 is amended to read:

9 **Sec. 40.21.110. Care of records.** Except for public records lawfully in the  
10 possession of a person other than the state, public records of existing or defunct  
11 agencies of the state, territorial, and Russian governments in Alaska are the property  
12 of the state and shall be created, maintained, preserved, stored, transferred, destroyed  
13 or disposed of, and otherwise managed in accordance with the provisions of this

1 chapter **and AS 45.48.500 - 45.48.530**. Records shall be delivered by outgoing  
 2 officials and employees to their successors, and may not be removed, destroyed or  
 3 disposed of, except as provided in this chapter **and AS 45.48.500 - 45.48.530**.

4 \* **Sec. 2.** AS 43.23.017 is amended to read:

5 **Sec. 43.23.017. Applicant information confidential.** Information on each  
 6 permanent fund dividend application, except the applicant's name, is confidential. The  
 7 department may only release information that is confidential under this section

8 (1) to a local, state, or federal government agency;

9 (2) in compliance with a court order;

10 (3) to the individual who or agency that files an application on behalf  
 11 of another;

12 (4) to a banking institution to verify the direct deposit of a permanent  
 13 fund dividend or correct an error in that deposit;

14 (5) as directed to do so by the applicant; [AND]

15 (6) to a contractor who has a contract with a person entitled to obtain  
 16 the information under (1) - (5) of this section to receive, store, or manage the  
 17 information on that person's behalf; a contractor receiving data under this paragraph  
 18 may only use the data as directed by and for the purposes of the person entitled to  
 19 obtain the information; **and**

20 **(7) as provided under (b) of this section.**

21 \* **Sec. 3.** AS 43.23.017 is amended by adding new subsections to read:

22 (b) The department shall disclose applicant information to a business under a  
 23 contract with the department that requests the applicant information if the business has  
 24 a license under AS 43.70.020, the business, or an agent, an employee, or a contractor  
 25 of the business, indicates that the business will use the applicant information only in  
 26 the normal course of business, the person making the request provides proof of the  
 27 person's identity, and the person making the request states that the business will use  
 28 the applicant information only

29 (1) to obtain information for law enforcement agencies or for an  
 30 investigation, if the business is the practice of law or includes the service of process;

31 (2) in connection with a civil, a criminal, an administrative, or an

1 arbitration proceeding, including the service of process, investigation in anticipation of  
 2 litigation, executing on a judgment, enforcing a judgment, or complying with a court  
 3 order;

4 (3) for a legal or beneficial interest relating to the applicant, if the  
 5 business holds the legal or beneficial interest;

6 (4) on behalf of the applicant, if the business is acting in a fiduciary  
 7 capacity on behalf of the applicant;

8 (5) in connection with insurance claims, insurance investigations, or  
 9 insurance anti-fraud activities, if the business is an insurer or a person who provides  
 10 support services to an insurer;

11 (6) to comply with federal, state, or municipal laws, regulations,  
 12 ordinances, or other legal requirements; or

13 (7) for bulk distribution to political candidates or persons taking polls.

14 (c) In this section,

15 (1) "applicant" means an applicant for a permanent fund dividend;

16 (2) "applicant information" means name, mailing address, and birth  
 17 year of an applicant;

18 (3) "business" means a person engaging in business.

19 \* **Sec. 4.** AS 44.64.030(a) is amended by adding a new paragraph to read:

20 (35) AS 45.48.080(c) (breach of security involving personal  
 21 information).

22 \* **Sec. 5.** AS 45 is amended by adding a new chapter to read:

23 **Chapter 48. Personal Information Protection Act.**

24 **Article 1. Breach of Security Involving Personal Information.**

25 **Sec. 45.48.010. Disclosure of breach of security.** (a) If a person owns or uses  
 26 personal information that includes personal information on a state resident, and a  
 27 breach of the security of the information system containing the personal information  
 28 occurs, the person shall, after discovering or being notified of the breach, disclose the  
 29 breach to each state resident whose personal information was subject to the breach.

30 (b) An information collector shall make the disclosure required by (a) of this  
 31 section in the most expeditious time possible and without unreasonable delay, except

1 as provided in AS 45.48.020 and as necessary to determine the scope of the breach and  
2 restore the reasonable integrity of the information system.

3 **Sec. 45.48.020. Allowable delay in notification.** An information collector  
4 may delay disclosing the breach under AS 45.48.010 if an appropriate law  
5 enforcement agency determines that disclosing the breach will interfere with a  
6 criminal investigation. However, the information collector shall disclose the breach to  
7 the state resident in the most expeditious time possible and without unreasonable delay  
8 after the law enforcement agency informs the information collector in writing that  
9 disclosure of the breach will no longer interfere with the investigation.

10 **Sec. 45.48.030. Methods of notice.** An information collector shall make the  
11 disclosure required by AS 45.48.010

12 (1) by a written document sent to the most recent address the  
13 information collector has for the state resident;

14 (2) by electronic means if making the disclosure by the electronic  
15 means is consistent with the provisions regarding electronic records and signatures  
16 required for notices legally required to be in writing under 15 U.S.C. 7001 et seq.  
17 (Electronic Signatures in Global and National Commerce Act); or

18 (3) if the information collector demonstrates that the cost of providing  
19 notice would exceed \$150,000, that the affected class of state residents to be notified  
20 exceeds 300,000, or that the information collector does not have sufficient contact  
21 information to provide notice, by

22 (A) electronic mail if the information collector has an  
23 electronic mail address for the state resident;

24 (B) conspicuously posting the disclosure on the Internet  
25 website of the information collector if the information collector maintains an  
26 Internet site; and

27 (C) providing a notice to major statewide media.

28 **Sec. 45.48.040. Notification of certain other agencies.** (a) If an information  
29 collector is required by AS 45.48.010 to notify more than 1,000 state residents of a  
30 breach, the information collector shall also notify without unreasonable delay all  
31 consumer credit reporting agencies that compile and maintain files on consumers on a

1 nationwide basis and provide the agencies with the timing, distribution, and content of  
2 the notices.

3 (b) This section may not be construed to require the information collector to  
4 provide the consumer reporting agencies identified under (a) of this section with the  
5 names or other personal information of the state residents whose personal information  
6 was subject to the breach.

7 (c) This section does not apply to an information collector who is subject to 15  
8 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act).

9 (d) In this section, "consumer reporting agency that compiles and maintains  
10 files on consumers on a nationwide basis" has the meaning given in 15 U.S.C.  
11 1681a(p).

12 **Sec. 45.48.050. Exception for employees and agents.** In AS 45.48.010 -  
13 45.48.090, the good faith acquisition of personal information by an employee or agent  
14 of an information collector for a legitimate purpose of the information collector is not  
15 a breach of the security of the information system if the employee or agent does not  
16 use the personal information for a purpose unrelated to a legitimate purpose of the  
17 information collector and does not make further unauthorized disclosure of the  
18 personal information.

19 **Sec. 45.48.060. Waivers.** A waiver of AS 45.48.010 - 45.48.090 is void and  
20 unenforceable.

21 **Sec. 45.48.070. Treatment of certain breaches.** (a) If a breach of the security  
22 of the information system containing personal information on a state resident that is  
23 maintained by an information recipient occurs, the information recipient is not  
24 required to comply with AS 45.48.010 - 45.48.030. However, immediately after the  
25 information recipient discovers the breach, the information recipient shall notify the  
26 information distributor who owns the personal information or who licensed the use of  
27 the personal information to the information recipient about the breach and cooperate  
28 with the information distributor as necessary to allow the information distributor to  
29 comply with (b) of this section. In this subsection, "cooperate" means sharing with the  
30 information distributor information relevant to the breach, except for confidential  
31 business information or trade secrets.

1 (b) If an information recipient notifies an information distributor of a breach  
 2 under (a) of this section, the information distributor shall comply with AS 45.48.010 -  
 3 45.48.030 as if the breach occurred to the information system maintained by the  
 4 information distributor.

5 **Sec. 45.48.080. Violations.** (a) If an information collector who is a  
 6 governmental agency violates AS 45.48.010 - 45.48.090 with regard to the personal  
 7 information of a state resident, the information collector

8 (1) is liable to the state for a civil penalty of up to \$500 for each state  
 9 resident who was not notified under AS 45.48.010 - 45.48.090, but the total civil  
 10 penalty may not exceed \$50,000; and

11 (2) may be enjoined from further violations.

12 (b) If an information collector who is not a governmental agency violates  
 13 AS 45.48.010 - 45.48.090 with regard to the personal information of a state resident,  
 14 the violation is an unfair or deceptive act or practice under AS 45.50.471 - 45.50.561.  
 15 However, the information collector is not subject to the civil penalties imposed under  
 16 AS 45.50.551 but is liable to the state for a civil penalty of up to \$500 for each state  
 17 resident who was not notified under AS 45.48.010 - 45.48.090, except that the total  
 18 civil penalty may not exceed \$50,000.

19 (c) The Department of Administration may enforce (a) of this section against a  
 20 governmental agency. The procedure for review of an order or action of the  
 21 department under this subsection is the same as the procedure provided by AS 44.62  
 22 (Administrative Procedure Act), except that the office of administrative hearings  
 23 (AS 44.64.010) shall conduct the hearings in contested cases and the decision may be  
 24 appealed under AS 44.64.030(c).

25 (d) In this section, "governmental agency" means a state or local governmental  
 26 agency, except for an agency of the judicial branch.

27 **Sec. 45.48.090. Definitions.** In AS 45.48.010 - 45.48.090,

28 (1) "breach of the security" means unauthorized acquisition, or  
 29 reasonable belief of unauthorized acquisition, of personal information that  
 30 compromises the security, confidentiality, or integrity of the personal information  
 31 maintained by the information collector; in this paragraph, "acquisition" includes

1 acquisition by

2 (A) photocopying, facsimile, or other paper-based method;

3 (B) a device, including a computer, that can read, write, or  
4 store information that is represented in numerical form; or

5 (C) a method not identified by (A) or (B) of this paragraph;

6 (2) "information collector" means a person who owns or uses personal  
7 information in any form if the personal information includes personal information on a  
8 state resident;

9 (3) "information distributor" means a person who is an information  
10 collector and who owns or licenses personal information to an information recipient;

11 (4) "information recipient" means a person who is an information  
12 collector but who does not own or have the right to license to another information  
13 collector the personal information received by the person from an information  
14 distributor;

15 (5) "personal information" means information in any form on an  
16 individual that is not encrypted or redacted, or is encrypted and the encryption key has  
17 been accessed or acquired, and that consists of a combination of

18 (A) an individual's name, address, or telephone number; in this  
19 subparagraph, "individual's name" means a combination of an individual's

20 (i) first name or first initial; and

21 (ii) last name; and

22 (B) one or more of the following information elements:

23 (i) the individual's social security number;

24 (ii) the individual's driver's license number or state  
25 identification card number;

26 (iii) the individual's account number, credit card  
27 account number, or debit card account number;

28 (iv) account passwords or personal identification  
29 numbers or other access codes.

30 **Article 2. Credit Report and Credit Score Security Freeze.**

31 **Sec. 45.48.100. Security freeze authorized.** A consumer may prohibit a

1 consumer credit reporting agency from releasing all or a part of the consumer's credit  
2 report or credit score without the express authorization of the consumer by placing a  
3 security freeze on the consumer's credit report.

4 **Sec. 45.48.110. Placement of security freeze.** (a) To place a security freeze, a  
5 consumer shall make the request to the consumer credit reporting agency

6 (1) by certified mail to the address designated by the consumer credit  
7 reporting agency to receive security freeze requests; or

8 (2) as allowed by (b) of this section.

9 (b) A consumer may make a request under (a) of this section by telephone or  
10 by fax, the Internet, or other electronic media if the consumer credit reporting agency  
11 has developed procedures for using the telephone or an electronic medium to receive  
12 and process the request in an expedited manner.

13 (c) A consumer credit reporting agency shall place a security freeze within  
14 five business days after receiving a request under (a) or (b) of this section and proper  
15 identification from the consumer.

16 **Sec. 45.48.120. Confirmation of security freeze.** (a) Within 10 business days  
17 after a consumer makes the request under AS 45.48.110, a consumer credit reporting  
18 agency shall send a written confirmation of the placement of the security freeze to the  
19 consumer. The confirmation must also inform the consumer that the consumer credit  
20 reporting agency may charge, as allowed by AS 45.48.160(c), a fee for third-party  
21 access during the security freeze.

22 (b) At the same time that the consumer credit reporting agency sends a  
23 confirmation under (a) of this section, the consumer credit reporting agency shall  
24 provide the consumer with a unique personal identification number, password, or  
25 similar device to be used by the consumer when the consumer authorizes the release of  
26 the consumer's credit report or credit score under AS 45.48.130.

27 **Sec. 45.48.130. Access and actions during security freeze.** (a) While a  
28 security freeze is in place, a consumer credit reporting agency shall allow a third party  
29 access to a consumer's credit report or credit score if the consumer requests that the  
30 consumer credit reporting agency allow the access.

31 (b) To make a request under (a) of this section, the consumer shall contact the

1 consumer credit reporting agency by mail at the address designated by the consumer  
2 credit reporting agency to receive security freeze requests or as allowed by (c) of this  
3 section, authorize the consumer credit reporting agency to allow the access, and  
4 provide the consumer credit reporting agency with

5 (1) proper identification to verify the consumer's identity;

6 (2) the unique personal identification number, password, or similar  
7 device provided under AS 45.48.120(b); and

8 (3) the proper information necessary to identify the third party to  
9 whom the consumer credit reporting agency may allow the access or the time period  
10 during which the consumer credit reporting agency may allow the access to third  
11 parties who request the access.

12 (c) In addition to making the request by mail, a consumer may make a request  
13 under (a) of this section by telephone or by fax, the Internet, or other electronic media  
14 if the consumer credit reporting agency has developed procedures for using the  
15 telephone or an electronic medium to receive and process the request in an expedited  
16 manner.

17 (d) A consumer credit reporting agency that receives a request from a  
18 consumer under (b) or (c) of this section shall comply with the request immediately  
19 after receiving the request by telephone or by an electronic medium or within three  
20 business days after receiving the request by mail.

21 (e) If a security freeze is in place, a consumer credit reporting agency may not  
22 release the credit report or credit score to a third party without the prior express  
23 authorization of the consumer.

24 (f) If a security freeze is in place on a consumer's credit report and credit score  
25 and if a third party applies to a consumer credit reporting agency to provide the third  
26 party with access to the consumer's credit report or credit score, the consumer credit  
27 reporting agency and, except as provided for insurers under (g) of this section, the  
28 third party may treat the third party's application as incomplete unless the consumer  
29 authorizes the access under (a) of this section.

30 (g) If an insurer requests access to a consumer's credit report and credit score  
31 on which a security freeze is in place, unless the consumer authorizes access under (a)

1 of this section, the insurer may, notwithstanding AS 21.36.460,

- 2 (1) treat the consumer's application as incomplete;
- 3 (2) decline the consumer's application if the consumer does not lift the  
4 security freeze for the insurer after a request by the insurer or the insurer's agent;
- 5 (3) treat the consumer as if the consumer has a neutral credit rating;
- 6 (4) exclude the use of credit information as a factor and use only  
7 underwriting criteria; or
- 8 (5) treat the consumer in a manner that is otherwise approved by the  
9 division of insurance.

10 (h) If a security freeze is in place, a consumer credit reporting agency may not  
11 change the consumer's official information in the consumer's credit report and credit  
12 score without sending a written statement of the change to the consumer within 30  
13 days after the change is made. A consumer credit reporting agency is not required to  
14 send a written statement if the consumer credit reporting agency makes a technical  
15 change in the consumer's official information. If a consumer credit reporting agency  
16 makes a change, other than a technical change, in a consumer's address, the consumer  
17 credit reporting agency shall send the written statement to the consumer at both the  
18 new address and the former address. In this subsection,

19 (1) "official information" means name, birth date, social security  
20 number, and address;

21 (2) "technical change" means changing spelling, transposing numbers  
22 or letters, abbreviating a word, or spelling out an abbreviation.

23 (i) This section is not intended to prevent a consumer credit reporting agency  
24 from advising a third party that requests access to a consumer's credit report or credit  
25 score that a security freeze is in effect.

26 (j) The procedures used by a consumer credit reporting agency for  
27 implementing the provisions of this section may include the use of telephone,  
28 facsimile, or electronic means if making the disclosure by the electronic means is  
29 consistent with the provisions regarding electronic records and signatures required for  
30 notices legally required to be in writing under 15 U.S.C. 7001 et seq. (Electronic  
31 Signatures in Global and National Commerce Act).

1           **Sec. 45.48.140. Removal of security freeze.** (a) Except as provided by  
2 AS 45.48.130, a consumer credit reporting agency may not remove a security freeze  
3 unless

4                   (1) the consumer requests that the consumer credit reporting agency  
5 remove the security freeze under (b) of this section; or

6                   (2) the consumer made a material misrepresentation of fact to the  
7 consumer credit reporting agency when the consumer requested the security freeze  
8 under AS 45.48.110; if a consumer credit reporting agency intends to remove a  
9 security freeze on a consumer's credit report under this paragraph, the consumer credit  
10 reporting agency shall notify the consumer in writing before removing the security  
11 freeze.

12           (b) A consumer credit reporting agency shall remove a security freeze  
13 immediately after receiving a request for removal from the consumer who requested  
14 the security freeze.

15           (c) To make a request under (b) of this section, the consumer shall contact the  
16 consumer credit reporting agency by mail or as allowed by (d) of this section,  
17 authorize the consumer credit reporting agency to remove the security freeze, and  
18 provide the consumer credit reporting agency with

19                   (1) proper identification to verify the consumer's identity; and

20                   (2) the unique personal identification number, password, or similar  
21 device provided under AS 45.48.120(b).

22           (d) In addition to mail, a consumer may make a request under (b) of this  
23 section by telephone or by fax, the Internet, or other electronic media if the consumer  
24 credit reporting agency has developed procedures for using the telephone or an  
25 electronic medium to receive and process the request in an expedited manner.

26           **Sec. 45.48.150. Prohibition.** When dealing with a third party, a consumer  
27 credit reporting agency may not suggest, state, or imply that a consumer's security  
28 freeze reflects a negative credit score, history, report, or rating.

29           **Sec. 45.48.160. Charges.** (a) Except as provided by (b), (c), or (d) of this  
30 section, a consumer credit reporting agency may not charge a consumer to place or  
31 remove a security freeze, to provide access under AS 45.48.130, or to take any other

1 action, including the issuance of a personal identification number, password, or similar  
 2 device under AS 45.48.120, that is related to the placement of, removal of, or allowing  
 3 access to a credit report or credit score on which a security freeze has been placed.

4 (b) A consumer credit reporting agency may charge a consumer \$10 for  
 5 placing a security freeze.

6 (c) If a consumer makes more than two access requests during a calendar year,  
 7 a consumer credit reporting agency may charge the consumer \$2 for each additional  
 8 access request made by the consumer during that calendar year. In this subsection,  
 9 "access request" means a request made by the consumer under AS 45.48.130 to allow  
 10 third-party access to the consumer's credit report or credit score on which a security  
 11 freeze has been placed.

12 (d) If a consumer fails to retain a personal identification number, password, or  
 13 similar device issued under AS 45.48.120, a consumer credit reporting agency may  
 14 charge the consumer up to \$5 for each time after the first time that the consumer credit  
 15 reporting agency issues the consumer another personal identification number,  
 16 password, or similar device because the consumer failed to retain the personal  
 17 identification number, password, or similar device.

18 **Sec. 45.48.170. Notice of rights.** When a consumer credit reporting agency is  
 19 required to give a consumer a summary of rights under 15 U.S.C. 1681g (Fair Credit  
 20 Reporting Act), a consumer credit reporting agency shall also give the consumer the  
 21 following notice:

22 **Consumers Have the Right to Obtain a Security Freeze**

23 You may obtain a security freeze on your credit report and  
 24 credit score for \$10 to protect your privacy and ensure that credit is not  
 25 granted in your name without your knowledge. You have a right to  
 26 place a "security freeze" on your credit report and credit score under  
 27 state law (AS 45.48.100 - 45.48.290).

28 The security freeze will prohibit a consumer credit reporting  
 29 agency from releasing your credit score and any information in your  
 30 credit report without your express authorization or approval.

31 The security freeze is designed to prevent credit, loans, and

1 other services from being approved in your name without your consent.  
2 However, you should be aware that using a security freeze to take  
3 control over who gets access to the personal and financial information  
4 in your credit report and credit score may delay, interfere with, or  
5 prohibit the timely approval of any subsequent request or application  
6 you make regarding a new loan, credit, a mortgage, a governmental  
7 service, a governmental payment, rental housing, employment, an  
8 investment, a license, a cellular telephone, a utility, a digital signature,  
9 an Internet credit card transaction, an extension of credit at point of  
10 sale, and other items and services.

11 When you place a security freeze on your credit report and  
12 credit score, within 10 business days you will be provided a personal  
13 identification number, password, or similar device to use if you choose  
14 to remove the freeze on your credit report and credit score or to  
15 temporarily authorize the release of your credit report and credit score  
16 to a specific third party or specific third parties or for a specific period  
17 of time after the freeze is in place. To provide that authorization, you  
18 must contact the consumer credit reporting agency and provide all of  
19 the following:

- 20 (1) proper identification to verify your identity;
- 21 (2) the personal identification number, password, or  
22 similar device provided by the consumer credit reporting agency;
- 23 (3) proper information necessary to identify the third  
24 party or third parties who are authorized to receive the credit report and  
25 credit score or the specific period of time for which the credit report  
26 and credit score are to be available to third parties.

27 A consumer credit reporting agency that receives your request  
28 to temporarily lift a freeze on a credit report and credit score is required  
29 to comply with the request immediately after receiving your request if  
30 you make the request by telephone, or an electronic method if the  
31 agency provides an electronic method, or within three business days

1 after receiving your request if you make the request by mail. Under  
2 some circumstances, the consumer credit reporting agency may charge  
3 you \$2 to temporarily lift the freeze.

4 A security freeze does not apply to circumstances where you  
5 have an existing account relationship and a copy of your credit report  
6 and credit score are requested by your existing creditor or its agents or  
7 affiliates for certain types of account review, collection, fraud control,  
8 or similar activities.

9 If you are actively seeking credit, you should understand that  
10 the procedures involved in lifting a security freeze may slow your own  
11 applications for credit. You should plan ahead and lift a freeze, either  
12 completely if you are shopping around, or specifically for a certain  
13 creditor, days before applying for new credit.

14 You have a right to bring a civil action against someone who  
15 violates your rights under these laws on security freezes. The action can  
16 be brought against a consumer credit reporting agency.

17 **Sec. 45.48.180. Notification after violation.** If a consumer credit reporting  
18 agency violates a security freeze by releasing a consumer's credit report or credit  
19 score, the consumer credit reporting agency shall notify the consumer within five  
20 business days after the release, and the information in the notice must include an  
21 identification of the information released and of the third party who received the  
22 information.

23 **Sec. 45.48.190. Resellers.** A consumer credit reporting agency that acts as a  
24 reseller of consumer information shall honor a security freeze placed on a consumer's  
25 credit report and credit score by another consumer credit reporting agency.

26 **Sec. 45.48.200. Violations and penalties.** (a) A consumer who suffers  
27 damages as a result of a person's violation of AS 45.48.100 - 45.48.290 may bring an  
28 action in court against the person and recover, in the case of a violation where the  
29 person acted

30 (1) negligently, actual damages, including loss of wages, and, when  
31 applicable, damages for pain and suffering;

1 (2) knowingly,

2 (A) damages as described in (1) of this subsection;

3 (B) punitive damages that are not less than \$100 nor more than  
4 \$5,000 for each violation as the court determines to be appropriate; and

5 (C) other relief that the court determines to be appropriate.

6 (b) A consumer may bring an action in court against a person for a violation or  
7 threatened violation of AS 45.48.100 - 45.48.290 for injunctive relief, whether or  
8 not the consumer seeks another remedy under this section.

9 (c) Notwithstanding (a)(2) of this section, a person who knowingly violates  
10 AS 45.48.100 - 45.48.290 is liable in a class action for an amount that the court  
11 allows. When determining the amount of an award in a class action under this  
12 subsection, the court shall consider, among the relevant factors, the amount of any  
13 actual damages awarded, the frequency of the violations, the resources of the violator,  
14 and the number of consumers adversely affected.

15 (d) In this section, "knowingly" has the meaning given in AS 11.81.900.

16 **Sec. 45.48.210. Exemptions.** (a) The provisions of AS 45.48.100 - 45.48.290  
17 do not apply to the use of a credit report by

18 (1) a person, the person's subsidiary, affiliate, or agent, or the person's  
19 assignee with whom a consumer has or, before the assignment, had an account,  
20 contract, or debtor-creditor relationship if the purpose of the use is to review the  
21 consumer's account or to collect a financial obligation owing on the account, contract,  
22 or debt;

23 (2) a subsidiary, an affiliate, an agent, an assignee, or a prospective  
24 assignee of a person to whom access has been granted under AS 45.48.130 if the  
25 purpose of the use is to facilitate the extension of credit or another permissible use;

26 (3) a person acting under a court order, warrant, or subpoena;

27 (4) an agency of a state or municipality that administers a program for  
28 establishing and enforcing child support obligations;

29 (5) the Department of Health and Social Services, its agents, or its  
30 assigns when investigating fraud;

31 (6) the Department of Revenue, its agents, or its assigns when

1 investigating or collecting delinquent taxes or unpaid court orders or when  
2 implementing its other statutory responsibilities;

3 (7) a person if the purpose of the use is prescreening allowed under 15  
4 U.S.C. 1681b(c) (Fair Credit Reporting Act);

5 (8) a person administering a credit file monitoring subscription service  
6 to which the consumer has subscribed; or

7 (9) a person providing a consumer with a copy of the consumer's credit  
8 report or credit score at the consumer's request; or

9 (10) a consumer credit reporting agency if the data base or file of the  
10 consumer credit reporting agency consists entirely of information concerning and used  
11 solely for one or more of the following purposes:

12 (A) criminal record information;

13 (B) personal loss history information;

14 (C) fraud prevention or detection;

15 (D) tenant screening; or

16 (E) employment screening.

17 (b) Except as provided by AS 45.48.190, the provisions of AS 45.48.100 -  
18 45.48.290 do not apply to a person who acts only as a reseller of consumer  
19 information.

20 **Sec. 45.48.290. Definitions.** In AS 45.48.100 - 45.48.290,

21 (1) "account review" means activities related to account maintenance,  
22 account monitoring, credit line increases, and account upgrades and enhancements;

23 (2) "consumer" means an individual who is the subject of a credit  
24 report or credit score;

25 (3) "consumer credit reporting agency" has the meaning given in  
26 AS 45.48.990, but does not include a person who issues reports

27 (A) on incidents of fraud or authorizations for the purpose of  
28 approving or processing negotiable instruments, electronic funds transfers, or  
29 similar methods of payments; or

30 (B) regarding account closures because of fraud, substantial  
31 overdrafts, automated teller machine abuse, or similar negative information

1 regarding a consumer to inquiring banks or other financial institutions for use  
 2 only in reviewing consumer requests for deposit accounts at the inquiring  
 3 banks or financial institutions;

4 (4) "reseller of consumer information" means a person who assembles  
 5 and merges information contained in the data bases of consumer credit reporting  
 6 agencies and does not maintain a permanent data base of consumer information from  
 7 which new consumer credit reports are produced;

8 (5) "security freeze" means a prohibition against a consumer credit  
 9 reporting agency from releasing all or a part of a consumer's credit report or credit  
 10 score without the express authorization of the consumer;

11 (6) "third party" means a person who is not

12 (A) the consumer who is the subject of the consumer's credit  
 13 report or credit score; or

14 (B) the consumer credit reporting agency that is holding the  
 15 consumer's credit report or credit score.

16 **Article 3. Protection of Social Security Number.**

17 **Sec. 45.48.400. Use of social security number.** A person may not

18 (1) intentionally communicate or otherwise make available to the  
 19 general public an individual's social security number;

20 (2) print an individual's social security number on a card required for  
 21 the individual to access products or services provided by the person;

22 (3) require an individual to transmit the individual's social security  
 23 number over the Internet unless the Internet connection is secure or the social security  
 24 number is encrypted;

25 (4) require an individual to use the individual's social security number  
 26 to access an Internet site unless a password, a unique personal identification number,  
 27 or another authentication device is also required to access the site; or

28 (5) print an individual's social security number on material that is  
 29 mailed to the individual unless

30 (A) local, state, or federal law, including a regulation adopted  
 31 under AS 45.48.470, expressly authorizes placement of the social security

1 number on the material; or

2 (B) the social security number is included on an application or  
 3 other form, including a document sent as a part of an application process or an  
 4 enrollment process, sent by mail to establish, amend, or terminate an account, a  
 5 contract, or a policy, or to confirm the accuracy of the social security number;  
 6 however, a social security number allowed to be mailed under this  
 7 subparagraph may not be printed, in whole or in part, on a postcard or other  
 8 mailer that does not require an envelope, or in a manner that makes the social  
 9 security number visible on the envelope or without the envelope's being  
 10 opened.

11 **Sec. 45.48.410. Request and collection.** (a) A person who does business in the  
 12 state, including the business of government, may not request or collect an individual's  
 13 social security number. This subsection does not prohibit a person from asking for  
 14 another form of identification from the individual.

15 (b) The prohibition in (a) of this section does not apply

16 (1) if the person is expressly authorized by local, state, or federal law,  
 17 including a regulation adopted under AS 45.48.470, to demand proof of the  
 18 individual's social security number, to collect the individual's social security number,  
 19 or to submit the individual's social security number to the local, state, or federal  
 20 government;

21 (2) if the person is engaging in the business of government and

22 (A) is authorized by law to request or collect the individual's  
 23 social security number; or

24 (B) the request or collection of the individual's social security  
 25 number is required for the performance of the person's duties or  
 26 responsibilities as provided by law;

27 (3) to a financial institution that is regulated by 15 U.S.C. 6801 - 6827  
 28 (Gramm-Leach-Bliley Financial Modernization Act) if the financial institution  
 29 requests or collects the individual's social security number to facilitate a transaction of  
 30 the individual;

31 (4) to a communication to or from a consumer reporting agency; in this

1 paragraph, "consumer reporting agency" has the meaning given in 15 U.S.C. 1681a  
2 (Fair Credit Reporting Act);

3 (5) if the request or collection is for a background check on the  
4 individual, law enforcement purposes, or the individual's employment, including  
5 employment benefits; or

6 (6) if the disclosure does not have independent economic value, is  
7 incidental to a larger transaction, and is necessary to verify the identity of the  
8 individual.

9 **Sec. 45.48.420. Sale, lease, loan, trade, or rental.** (a) A person may not sell,  
10 lease, loan, trade, or rent an individual's social security number to a third party.

11 (b) The prohibition in (a) of this section does not apply if the sale, lease, loan,  
12 trade, or rental is

13 (1) expressly authorized by local, state, or federal law, including a  
14 regulation adopted under AS 45.48.470;

15 (2) part of a report prepared by a consumer credit reporting agency in  
16 response to a request by a person and the person submits the social security number as  
17 part of the request to the consumer credit reporting agency for the preparation of the  
18 report.

19 (c) A person who knowingly violates (a) of this section is guilty of a class A  
20 misdemeanor. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

21 **Sec. 45.48.430. Disclosure.** (a) A person doing business, including the  
22 business of government, may not disclose an individual's social security number to a  
23 third party.

24 (b) The prohibition in (a) of this section does not apply if

25 (1) the disclosure is expressly authorized by local, state, or federal law,  
26 including a regulation adopted under AS 45.48.470;

27 (2) the person is engaging in the business of government and

28 (A) is authorized by law to disclose the individual's social  
29 security number; or

30 (B) the disclosure of the individual's social security number is  
31 required for the performance of the person's duties or responsibilities as

1 provided by law;

2 (3) the third party is a financial institution that is regulated by 15  
3 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act), and the  
4 disclosure is to facilitate a transaction of the individual;

5 (4) the disclosure is part of a report prepared by a consumer credit  
6 reporting agency in response to a request by a person and the person submits the social  
7 security number as part of the request to the consumer credit reporting agency for the  
8 preparation of the report; or

9 (5) the disclosure is for a background check on the individual, law  
10 enforcement purposes, or the individual's employment, including employment  
11 benefits.

12 **Sec. 45.48.440. Interagency disclosure.** Notwithstanding the other provisions  
13 of AS 45.48.400 - 45.48.480, a state or local governmental agency may disclose an  
14 individual's social security number to another state or local governmental agency or to  
15 an agency of the federal government if the disclosure is required in order for the  
16 agency to carry out the agency's duties and responsibilities.

17 **Sec. 45.48.450. Exception for employees, agents, and independent**  
18 **contractors.** (a) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, a  
19 person may disclose an individual's social security number to an employee or agent of  
20 the person for a legitimate purpose established by and as directed by the person, but  
21 the employee or agent may not use the social security number for another purpose or  
22 make an unauthorized disclosure of the individual's personal information.

23 (b) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, and  
24 except as provided for an agent under (a) of this section, a person may disclose an  
25 individual's social security number to an independent contractor of the person to  
26 facilitate the purpose or transaction for which the individual initially provided the  
27 social security number to the person, but the independent contractor may not use the  
28 social security number for another purpose or make an unauthorized disclosure of the  
29 individual's personal information.

30 **Sec. 45.48.460. Employment-related exception.** The provisions of  
31 AS 45.48.400 - 45.48.480 may not be construed to restrict a person's use or exchange

1 of an individual's social security number

2 (1) in the course of the administration of a claim, benefit, or procedure  
3 related to the individual's employment by the person, including the individual's  
4 termination from employment, retirement from employment, and injury suffered  
5 during the course of employment; or

6 (2) to check on an unemployment insurance claim of the individual.

7 **Sec. 45.48.470. Agency regulations.** If regulations are necessary in order for a  
8 state agency to carry out the state agency's duties and responsibilities, a state agency  
9 may adopt regulations under AS 44.62 (Administrative Procedure Act) to establish  
10 when the state agency or a person regulated by the state agency may

11 (1) print an individual's social security number on material that is  
12 mailed to the individual;

13 (2) demand proof from an individual of the individual's social security  
14 number, collect from an individual the individual's social security number, or submit  
15 an individual's social security number to a local, state, or federal agency;

16 (3) ask an individual to provide the state agency with the individual's  
17 social security number;

18 (4) disclose an individual's social security number to a third party;

19 (5) sell, lease, loan, trade, or rent an individual's social security number  
20 to a third party.

21 **Sec. 45.48.480. Penalties.** (a) A person who knowingly violates AS 45.48.400  
22 - 45.48.430 is liable to the state for a civil penalty not to exceed \$3,000.

23 (b) An individual may bring a civil action in court against a person who  
24 knowingly violates AS 45.48.400 - 45.48.430 and may recover actual damages, court  
25 costs allowed by the rules of court, and full reasonable attorney fees.

26 (c) In this section, "knowingly" has the meaning given in AS 11.81.900.

#### 27 **Article 4. Disposal of Records.**

28 **Sec. 45.48.500. Disposal of records.** (a) When disposing of records that  
29 contain personal information, a business and a governmental agency shall take all  
30 reasonable measures necessary to protect against unauthorized access to or use of the  
31 records.

1 (b) Notwithstanding (a) of this section, if a business or governmental agency  
2 has otherwise complied with the provisions of AS 45.48.500 - 45.48.590 in the  
3 selection of a third party engaged in the business of record destruction, the business or  
4 governmental agency is not liable for the disposal of records under AS 45.48.500 -  
5 45.48.590 after the business or governmental agency has relinquished control of the  
6 records to the third party for the destruction of the records.

7 (c) A business or governmental agency is not liable for the disposal of records  
8 under AS 45.48.500 - 45.48.590 after the business or governmental agency has  
9 relinquished control of the records to the individual to whom the records pertain.

10 **Sec. 45.48.510. Measures to protect access.** The measures that may be taken  
11 to comply with AS 45.48.500 include

12 (1) implementing and monitoring compliance with policies and  
13 procedures that require the burning, pulverizing, or shredding of paper documents  
14 containing personal information so that the personal information cannot practicably be  
15 read or reconstructed;

16 (2) implementing and monitoring compliance with policies and  
17 procedures that require the destruction or erasure of electronic media and other  
18 nonpaper media containing personal information so that the personal information  
19 cannot practicably be read or reconstructed;

20 (3) after due diligence, entering into a written contract with a third  
21 party engaged in the business of record destruction to dispose of records containing  
22 personal information in a manner consistent with AS 45.48.500 - 45.48.590.

23 **Sec. 45.48.520. Due diligence.** In AS 45.48.510(3), due diligence ordinarily  
24 includes performing one or more of the following:

25 (1) reviewing an independent audit of the third party's operations and  
26 its compliance with AS 45.48.500 - 45.48.590;

27 (2) obtaining information about the third party from several references  
28 or other reliable sources and requiring that the third party be certified by a recognized  
29 trade association or similar organization with a reputation for high standards of quality  
30 review; or

31 (3) reviewing and evaluating the third party's information security

1 policies and procedures, or taking other appropriate measures to determine the  
2 competency and integrity of the third party.

3 **Sec. 45.48.530. Policy and procedures.** A business or governmental agency  
4 shall adopt written policies and procedures that relate to the adequate destruction and  
5 proper disposal of records containing personal information and that are consistent with  
6 AS 45.48.500 - 45.48.590.

7 **Sec. 45.48.540. Exemptions.** (a) A business or a governmental agency is not  
8 required to comply with AS 45.48.500 - 45.48.530 if federal law requires that the  
9 business or governmental agency act in a way that does not comply with AS 45.48.500  
10 - 45.48.530.

11 (b) A business is not required to comply with AS 45.48.500 - 45.48.530 if

12 (1) the business is subject to and in compliance with 15 U.S.C. 6801 -  
13 6827 (Gramm-Leach-Bliley Financial Modernization Act); or

14 (2) the manner of the disposal of the records of the business is subject  
15 to 15 U.S.C. 1681w (Fair Credit Reporting Act) and the business is complying with 15  
16 U.S.C. 1861w.

17 **Sec. 45.48.550. Civil penalty.** (a) An individual, a business, or a governmental  
18 agency that knowingly violates AS 45.48.500 - 45.48.590 is liable to the state for a  
19 civil penalty not to exceed \$3,000.

20 (b) In this section, "knowingly" has the meaning given in AS 11.81.900.

21 **Sec. 45.48.560. Court action.** An individual who is damaged by a violation of  
22 AS 45.48.500 - 45.48.590 may bring a civil action in court to enjoin further violations  
23 and to recover damages for the violation and court costs and attorney fees allowed by  
24 the rules of court.

25 **Sec. 45.48.590. Definitions.** In AS 45.48.500 - 45.48.590,

26 (1) "business" means a person who conducts business in the state or a  
27 person who conducts business and maintains or otherwise possesses personal  
28 information on state residents; in this paragraph,

29 (A) "conducts business" includes engaging in activities as a  
30 financial institution organized, chartered, or holding a license or authorization  
31 certificate under the laws of this state, another state, the United States, or

1 another country;

2 (B) "possesses" includes possession for the purpose of  
3 destruction;

4 (2) "dispose" means

5 (A) the discarding or abandonment of records containing  
6 personal information;

7 (B) the sale, donation, discarding, or transfer of

8 (i) any medium, including computer equipment or  
9 computer media, that contains records of personal information;

10 (ii) nonpaper media, other than that identified under (i)  
11 of this subparagraph, on which records of personal information are  
12 stored; and

13 (iii) equipment for nonpaper storage of information;

14 (3) "governmental agency" means a state or local governmental  
15 agency, except for an agency of the judicial branch;

16 (4) "personal information" means

17 (A) an individual's passport number, driver's license number,  
18 state identification number, bank account number, credit card number, debit  
19 card number, other payment card number, financial account information, or  
20 information from a financial application; or

21 (B) a combination of an individual's

22 (i) name, address, or telephone number; and

23 (ii) medical information, insurance policy number,  
24 employment information, or employment history;

25 (5) "records" means material on which information that is written,  
26 drawn, spoken, visual, or electromagnetic is recorded or preserved, regardless of  
27 physical form or characteristics, but does not include publicly available information  
28 containing names, addresses, telephone numbers, or other information an individual  
29 has voluntarily consented to have publicly disseminated or listed.

30 **Article 5. Factual Declaration of Innocence after Identity Theft; Right to File Police**  
31 **Report Regarding Identity Theft.**

1           **Sec. 45.48.600. Factual declaration of innocence after identity theft.** (a) A  
 2 victim of identity theft may petition the superior court for a determination that the  
 3 victim is factually innocent of a crime if

4                   (1) the perpetrator of the identity theft was arrested for, cited for, or  
 5 convicted of the crime using the victim's identity;

6                   (2) a criminal complaint was filed against the perpetrator of the  
 7 identity theft; and

8                   (3) the victim's identity was mistakenly associated with a record of a  
 9 conviction for a crime.

10           (b) In addition to a petition by a victim under (a) of this section, the  
 11 department may petition the superior court for a determination under (a) of this  
 12 section, or the superior court may, on its own motion, make a determination under (a)  
 13 of this section.

14           **Sec. 45.48.610. Basis for determination.** A determination of factual  
 15 innocence under AS 45.48.600 may be heard and made on declarations, affidavits,  
 16 police reports, or other material, relevant, and reliable information submitted by the  
 17 parties or ordered to be made a part of the record by the court.

18           **Sec. 45.48.620. Criteria for determination; court order.** (a) A court may  
 19 determine that a petitioner under AS 45.48.600 is factually innocent of a crime if the  
 20 court finds beyond a reasonable doubt that

21                   (1) the petitioner is a victim of identity theft;

22                   (2) the petitioner did not commit the offense for which the perpetrator  
 23 of the identity theft was arrested, cited, or convicted;

24                   (3) the petitioner filed a criminal complaint against the perpetrator of  
 25 the identity theft; and

26                   (4) the petitioner's identity was mistakenly associated with a record of  
 27 conviction for the crime.

28           (b) If a court finds under this section that the victim is factually innocent of a  
 29 crime, the court shall issue an order indicating this determination of factual innocence  
 30 and shall provide the victim with a copy of the order.

31           **Sec. 45.48.630. Orders regarding records.** After a court issues an order under

1 AS 45.48.620, the court may order the name and associated personal information of  
2 the victim of identity theft that is contained in the files, indexes, and other records of  
3 the court that are accessible by the public labeled to show that the name and personal  
4 information of the victim of identity theft is incorrect.

5 **Sec. 45.48.640. Vacation of determination.** A court that has issued an order  
6 under AS 45.48.620 may, at any time, vacate the order if the petition, or any  
7 information submitted in support of the petition, is found to contain a material  
8 misrepresentation, omission, or false information.

9 **Sec. 45.48.650. Court form.** The supreme court of the state may develop a  
10 form to be used for the order under AS 45.48.620.

11 **Sec. 45.48.660. Data base.** The department may establish and maintain a data  
12 base of individuals who have been victims of identity theft and who have received an  
13 order under AS 45.48.620. The department shall provide a victim or the victim's  
14 authorized representative access to a data base established under this section to  
15 establish that the individual has been a victim of identity theft. Access to the a data  
16 base established under this section is limited to criminal justice agencies, victims of  
17 identity theft, and individuals and agencies authorized by the victims.

18 **Sec. 45.48.670. Toll-free telephone number.** The department may establish  
19 and maintain a toll-free telephone number to provide access to information in a data  
20 base established under AS 45.48.660.

21 **Sec. 45.48.680. Right to file police report regarding identity theft.** (a) Even  
22 if the local law enforcement agency does not have jurisdiction over the theft of an  
23 individual's identity, if an individual who has learned or reasonably suspects the  
24 individual has been the victim of identity theft contacts, for the purpose of filing a  
25 complaint, a local law enforcement agency that has jurisdiction over the individual's  
26 actual place of residence, the local law enforcement agency shall make a report of the  
27 matter and provide the individual with a copy of the report. The local law enforcement  
28 agency may refer the matter to a law enforcement agency in a different jurisdiction.

29 (b) This section is not intended to interfere with the discretion of a local law  
30 enforcement agency to allocate its resources to the investigation of crime. A local law  
31 enforcement agency is not required to count a complaint filed under (a) of this section

1 as an open case for purposes that include compiling statistics on its open cases.

2 **Sec. 45.48.690. Definitions.** In AS 45.48.600 - 45.48.690,

3 (1) "crime" has the meaning given in AS 11.81.900;

4 (2) "department" means the Department of Law;

5 (3) "identity theft" means the theft of the identity of an individual;

6 (4) "perpetrator" means the person who perpetrated the theft of an  
7 individual's identity;

8 (5) "victim" means an individual who is the victim of identity theft.

9 **Article 6. Truncation of Card Information.**

10 **Sec. 45.48.750. Truncation of card information.** (a) A person who accepts  
11 credit cards or debit cards for the transaction of business may not print more than the  
12 last four digits of the card number or the expiration date on any receipt or other  
13 physical record of the transaction provided at the point of the sale or transaction.

14 (b) This section applies only to receipts that are electronically printed and does  
15 not apply to transactions in which the sole means of recording a credit card or debit  
16 card account number is by handwriting or by an imprint or copy of the card.

17 (c) An individual may bring a civil action in court against a person who  
18 knowingly violates this section and may recover actual damages or \$5,000, whichever  
19 is greater, and court costs and attorney fees allowed by the rules of court.

20 (d) A person who knowingly violates this section is liable to the state for a  
21 civil penalty not to exceed \$3,000.

22 (e) In this section,

23 (1) "credit" means the right granted by a creditor to a debtor to defer  
24 payment of debt, to incur debts and defer payment of the debt, or to purchase property  
25 or services and defer payment of the purchase; in this paragraph, "creditor" means a  
26 person who regularly extends, renews, or continues credit, a person who regularly  
27 arranges for the extension, renewal, or continuation of credit, or an assignee of an  
28 original creditor who participates in the decision to extend, renew, or continue credit;

29 (2) "credit card" means a card, plate, coupon book, or other credit  
30 device existing for the purpose of obtaining money, property, labor, or services on  
31 credit;

1 (3) "debit card" means a card issued by a financial institution to a  
 2 consumer for use in initiating an electronic fund transfer from the account of the  
 3 consumer at the financial institution for the purpose of transferring money between  
 4 accounts or obtaining money, property, labor, or services;

5 (4) "knowingly" has the meaning given in AS 11.81.900.

6 **Article 7. General Provisions.**

7 **Sec. 45.48.990. Definitions.** In this chapter, unless the context indicates  
 8 otherwise,

9 (1) "consumer" means an individual;

10 (2) "consumer credit reporting agency" means a person who, for  
 11 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or  
 12 in part in the practice of assembling or evaluating consumer credit information or  
 13 other information on consumers for the purpose of furnishing credit reports to third  
 14 parties;

15 (3) "credit report" means a written, oral, or other communication of  
 16 information by a consumer credit reporting agency bearing on a consumer's credit  
 17 worthiness, credit standing, credit capacity, character, general reputation, personal  
 18 characteristics, or mode of living if the communication is used or expected to be used  
 19 or collected in whole or in part to serve as a factor in establishing the consumer's  
 20 eligibility for

21 (A) credit or insurance to be used primarily for personal,  
 22 family, or household purposes;

23 (B) employment purposes; or

24 (C) any other permissible purpose authorized under section 15  
 25 U.S.C. 1681b;

26 (4) "information system" means any information system, including a  
 27 system consisting of digital data bases and a system consisting of pieces of paper;

28 (5) "person" has the meaning given in AS 01.10.060 and includes a  
 29 state or local governmental agency, except for an agency of the judicial branch;

30 (6) "state resident" means an individual who satisfies the residency  
 31 requirements under AS 01.10.055.

1           **Sec. 45.48.995. Short title.** This chapter may be cited as the Alaska Personal  
2 Information Protection Act.

3   \* **Sec. 6.** AS 45.48.750 is amended by adding a new subsection to read:

4           (f) A person may not sell a device that electronically prints more than the last  
5 four digits of a credit card or debit card on a consumer receipt for a business  
6 transaction or on a copy retained by a business person for a business transaction.

7   \* **Sec. 7.** AS 45.50.471(b) is amended by adding a new paragraph to read:

8           (52) an information collector, other than a governmental agency,  
9 violating AS 45.48.010 - 45.48.090 (breach of security involving personal  
10 information); in this paragraph,

11                   (A) "governmental agency" has the meaning given in  
12 AS 45.48.080;

13                   (B) "information collector" has the meaning given in  
14 AS 45.48.090.

15   \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17           INDIRECT COURT RULE AMENDMENTS. (a) AS 45.48.640, enacted by sec. 5 of  
18 this Act, has the effect of changing Rule 60(b), Alaska Rules of Civil Procedure, by allowing  
19 a court to vacate an order on its own motion and at any time and by establishing a specific  
20 criterion for vacating the order under AS 45.48.640.

21           (b) AS 45.48.480(b), enacted by sec. 5 of this Act, has the effect of changing Rule 82,  
22 Alaska Rules of Civil Procedure, by changing the criteria for determining the amount of  
23 attorney fees to be awarded to a party in an action under AS 45.48.480(b).

24   \* **Sec. 9.** AS 45.48.470, enacted by sec. 5 of this Act, takes effect immediately under  
25 AS 01.10.070(c).

26   \* **Sec. 10.** AS 45.48.750(f), enacted by sec. 6 of this Act, takes effect January 1, 2009.