

REFERENCE TITLE: **personal information; data security breaches**

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2154

Introduced by
Representative Shope

AN ACT

AMENDING TITLE 18, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 18-552, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 33-1701 AND 36-3802, ARIZONA REVISED STATUTES; REPEALING LAWS 2006, CHAPTER 232, SECTION 3, AS AMENDED BY LAWS 2016, CHAPTER 80, SECTION 31; RELATING TO DATA SECURITY BREACHES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 18, chapter 5, Arizona Revised Statutes, is
3 amended by adding article 4, to read:

4 ARTICLE 4. DATA SECURITY BREACHES

5 18-551. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "BREACH" OR "SECURITY SYSTEM BREACH":

8 (a) MEANS AN UNAUTHORIZED ACQUISITION OF, OR UNAUTHORIZED ACCESS
9 THAT MATERIALLY COMPROMISES THE SECURITY OR CONFIDENTIALITY OF,
10 UNENCRYPTED OR UNREDACTED COMPUTERIZED DATA THAT INCLUDES PERSONAL
11 INFORMATION MAINTAINED AS PART OF A DATABASE OF PERSONAL INFORMATION
12 REGARDING MULTIPLE INDIVIDUALS.

13 (b) DOES NOT INCLUDE A GOOD FAITH ACQUISITION OF PERSONAL
14 INFORMATION BY A PERSON'S EMPLOYEE OR AGENT FOR THE PURPOSES OF THE PERSON
15 IF THE PERSONAL INFORMATION IS NOT USED FOR A PURPOSE UNRELATED TO THE
16 PERSON AND IS NOT SUBJECT TO FURTHER WILFUL UNAUTHORIZED DISCLOSURE.

17 2. "COURT" MEANS THE SUPREME COURT, THE COURT OF APPEALS, THE
18 SUPERIOR COURT, A COURT THAT IS INFERIOR TO THE SUPERIOR COURT AND A
19 JUSTICE COURT.

20 3. "DATA ELEMENT" MEANS:

21 (a) AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.

22 (b) THE NUMBER ON AN INDIVIDUAL'S DRIVER LICENSE ISSUED PURSUANT TO
23 SECTION 28-3166 OR NONOPERATING IDENTIFICATION LICENSE ISSUED PURSUANT TO
24 SECTION 28-3165.

25 (c) AN INDIVIDUAL'S FINANCIAL ACCOUNT NUMBER OR CREDIT OR DEBIT
26 CARD NUMBER.

27 4. "ENCRYPTED" MEANS THE USE OF AN ALGORITHMIC PROCESS TO TRANSFORM
28 DATA INTO A FORM THAT RENDERS THE DATA UNREADABLE OR UNUSABLE WITHOUT
29 USING A CONFIDENTIAL PROCESS OR KEY.

30 5. "INDIVIDUAL" MEANS A RESIDENT OF THIS STATE WHO HAS A PRINCIPAL
31 MAILING ADDRESS IN THIS STATE AS REFLECTED IN THE RECORDS OF THE PERSON
32 CONDUCTING BUSINESS IN THIS STATE AT THE TIME OF THE BREACH.

33 6. "PERSON":

34 (a) MEANS A NATURAL PERSON, CORPORATION, BUSINESS TRUST, ESTATE,
35 TRUST, PARTNERSHIP, ASSOCIATION, JOINT VENTURE, GOVERNMENT OR GOVERNMENTAL
36 SUBDIVISION OR AGENCY OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

37 (b) DOES NOT INCLUDE THE DEPARTMENT OF PUBLIC SAFETY, A COUNTY
38 SHERIFF'S DEPARTMENT, A MUNICIPAL POLICE DEPARTMENT, A PROSECUTION AGENCY
39 OR A COURT.

40 7. "PERSONAL INFORMATION":

41 (a) MEANS ANY OF THE FOLLOWING:

42 (i) AN INDIVIDUAL'S FIRST NAME OR FIRST INITIAL AND LAST NAME IN
43 COMBINATION WITH ONE OR MORE DATA ELEMENTS.

44 (ii) AN INDIVIDUAL'S ELECTRONIC SIGNATURE.

1 (iii) A PHYSICAL CHARACTERISTIC THAT IS ATTRIBUTABLE TO AN
2 INDIVIDUAL, INCLUDING A FINGERPRINT, EYE, HAND, VOCAL OR FACIAL
3 CHARACTERISTIC OR ANY OTHER PHYSICAL CHARACTERISTIC USED TO ELECTRONICALLY
4 IDENTIFY THAT INDIVIDUAL WITH A HIGH DEGREE OF CERTAINTY.

5 (iv) AN INDIVIDUAL'S PROTECTED HEALTH INFORMATION, SUCH AS THE
6 INDIVIDUAL'S HEALTH INSURANCE IDENTIFICATION NUMBER, MEDICAL HISTORY,
7 MENTAL OR PHYSICAL CONDITION, MEDICAL TREATMENT OR DIAGNOSIS BY A HEALTH
8 CARE PROFESSIONAL.

9 (v) AN INDIVIDUAL'S TAXPAYER IDENTIFICATION NUMBER OR AN IDENTITY
10 PROTECTION PERSONAL IDENTIFICATION NUMBER ISSUED BY THE UNITED STATES
11 INTERNAL REVENUE SERVICE.

12 (vi) AN INDIVIDUAL'S USER NAME OR E-MAIL ADDRESS, IN COMBINATION
13 WITH A PASSWORD OR SECURITY QUESTION AND ANSWER, THAT ALLOWS ACCESS TO AN
14 ONLINE ACCOUNT.

15 (vii) STUDENT PERSONALLY IDENTIFIABLE DATA.

16 (b) DOES NOT INCLUDE PUBLICLY AVAILABLE INFORMATION THAT IS
17 LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE OR LOCAL
18 GOVERNMENT RECORDS OR WIDELY DISTRIBUTED MEDIA.

19 8. "PROSECUTION AGENCY" MEANS THE ATTORNEY GENERAL, A COUNTY
20 ATTORNEY OR A MUNICIPAL PROSECUTOR.

21 9. "REDACT" MEANS TO ALTER OR TRUNCATE A SOCIAL SECURITY NUMBER,
22 DRIVER LICENSE NUMBER, NONOPERATING IDENTIFICATION LICENSE NUMBER,
23 FINANCIAL ACCOUNT NUMBER OR CREDIT OR DEBIT CARD NUMBER SO THAT NOT MORE
24 THAN THE LAST FOUR DIGITS ARE ACCESSIBLE.

25 10. "SECURITY INCIDENT" MEANS AN EVENT THAT INDICATES THAT A
26 PERSON'S INFORMATION SYSTEMS OR COMPUTERIZED DATA MAY HAVE BEEN
27 COMPROMISED OR THAT MEASURES PUT IN PLACE TO PROTECT THE PERSON'S
28 INFORMATION SYSTEMS OR COMPUTERIZED DATA MAY HAVE FAILED.

29 11. "STUDENT PERSONALLY IDENTIFIABLE DATA" MEANS A MINOR STUDENT'S
30 NAME, ADDRESS, DATE OF BIRTH, SOCIAL SECURITY NUMBER, E-MAIL OR SOCIAL
31 MEDIA ADDRESS, CREDIT, DEBIT OR OTHER FINANCIAL SERVICES ACCOUNT NUMBER OR
32 PARENT'S NAME OR ANY OTHER INFORMATION THAT WOULD LINK A SPECIFIC MINOR
33 STUDENT TO A SPECIFIC SCHOOL COMMUNITY.

34 Sec. 2. Section 18-545, Arizona Revised Statutes, is transferred
35 and renumbered for placement in title 18, chapter 5, article 4, Arizona
36 Revised Statutes, as section 18-552 and, as so renumbered, is amended to
37 read:

38 18-552. Notification of security system breaches;
39 requirements; enforcement; civil penalty;
40 preemption; exceptions

41 A. ~~When~~ IF a person that conducts business in this state and that
42 owns, MAINTAINS or licenses unencrypted OR UNREDACTED computerized data
43 that includes personal information becomes aware of ~~an~~ A SECURITY incident
44 ~~of unauthorized acquisition and access to unencrypted or unredacted~~
45 ~~computerized data that includes an individual's personal information~~, the

1 person shall conduct a reasonable investigation to promptly determine ~~if~~
2 ~~WHETHER~~ there has been a ~~breach of the~~ security system BREACH.

3 B. If the investigation results in a determination that there has
4 been a ~~breach in the~~ security system BREACH, the person THAT OWNS OR
5 LICENSES THE COMPUTERIZED DATA, WITHIN THIRTY DAYS AFTER THE
6 DETERMINATION, shall:

7 1. NOTIFY THE ATTORNEY GENERAL IN WRITING.

8 2. Notify the individuals affected. ~~The notice shall be made in~~
9 ~~the most expedient manner possible and without unreasonable delay~~ PURSUANT
10 TO SUBSECTION F OF THIS SECTION AND subject to the needs of law
11 enforcement as provided in subsection ~~E~~ E of this section ~~and any~~
12 ~~measures necessary to determine the nature and scope of the breach, to~~
13 ~~identify the individuals affected or to restore the reasonable integrity~~
14 ~~of the data system.~~

15 C. IF THE BREACH REQUIRES NOTIFICATION OF MORE THAN ONE THOUSAND
16 STATE RESIDENTS, THE PERSON THAT OWNS OR LICENSES THE COMPUTERIZED DATA
17 SHALL NOTIFY, PROMPTLY AND WITHOUT UNREASONABLE DELAY AND SUBJECT TO THE
18 NEEDS OF LAW ENFORCEMENT AS PROVIDED IN SUBSECTION E OF THIS SECTION, ALL
19 CONSUMER REPORTING AGENCIES THAT COMPILE AND MAINTAIN FILES ON CONSUMERS
20 ON A NATIONWIDE BASIS.

21 ~~B.~~ D. A person that maintains unencrypted OR UNREDACTED
22 computerized data that includes personal information that the person does
23 not own shall IMMEDIATELY notify THE OWNER OR LICENSEE OF THE INFORMATION
24 ON DISCOVERING ANY SECURITY SYSTEM BREACH and cooperate with the owner or
25 the licensee of the PERSONAL information ~~of any breach of the security of~~
26 ~~the system following discovery of the breach without unreasonable delay.~~
27 ~~Cooperation shall include, INCLUDING~~ sharing information relevant to the
28 breach ~~of the security of the system~~ with the owner or licensee. The
29 person that owns or licenses the computerized data shall provide ~~notice to~~
30 ~~the individual pursuant to this section~~ THE NOTIFICATIONS REQUIRED BY
31 SUBSECTIONS B AND C OF THIS SECTION, AS APPLICABLE. The person that
32 ~~maintained~~ MAINTAINS the data under an agreement with the owner or
33 licensee SHALL NOTIFY THE ATTORNEY GENERAL IN WRITING WITHIN THIRTY DAYS
34 AFTER DISCOVERING THE BREACH BUT is not required to provide notice to the
35 ~~individual~~ AFFECTED INDIVIDUALS OR CONSUMER REPORTING AGENCIES pursuant to
36 this ~~section~~ ARTICLE unless the agreement stipulates otherwise.

37 ~~E.~~ E. The ~~notification~~ NOTIFICATIONS required by ~~subsection A~~
38 SUBSECTIONS B AND C of this section may be delayed if a law enforcement
39 agency advises the person that the notification will impede a criminal
40 investigation. ~~The person shall make the notification after the law~~
41 ~~enforcement agency determines that it will not compromise the~~
42 ~~investigation.~~ ON BEING INFORMED BY THE LAW ENFORCEMENT AGENCY THAT THE
43 NOTIFICATIONS NO LONGER COMPROMISE THE INVESTIGATION, THE PERSON SHALL
44 NOTIFY THE AFFECTED INDIVIDUALS PURSUANT TO SUBSECTION B, PARAGRAPH 2 OF
45 THIS SECTION WITHIN THIRTY DAYS AND SHALL NOTIFY CONSUMER REPORTING

1 AGENCIES PURSUANT TO SUBSECTION C OF THIS SECTION, IF APPLICABLE, PROMPTLY
2 AND WITHOUT UNREASONABLE DELAY.

3 ~~D.~~ F. The ~~disclosure~~ NOTIFICATION required by subsection ~~A~~ B,
4 PARAGRAPH 2 of this section SHALL INCLUDE AT LEAST THE FOLLOWING:

5 1. THE APPROXIMATE DATE OF THE BREACH.

6 2. A BRIEF DESCRIPTION OF THE PERSONAL INFORMATION INCLUDED IN THE
7 BREACH.

8 3. THE TOLL-FREE NUMBERS AND ADDRESSES FOR THE THREE LARGEST
9 CONSUMER REPORTING AGENCIES.

10 4. THE TOLL-FREE NUMBER, ADDRESS AND WEBSITE ADDRESS FOR THE
11 FEDERAL TRADE COMMISSION OR ANY FEDERAL AGENCY THAT ASSISTS CONSUMERS WITH
12 IDENTITY THEFT MATTERS.

13 G. THE NOTIFICATION REQUIRED BY SUBSECTION B, PARAGRAPH 2 OF THIS
14 SECTION shall be provided by one of the following methods:

15 1. Written notice.

16 2. Electronic notice if the person's primary method of
17 communication with the individual is by electronic means or is consistent
18 with the provisions regarding electronic records and signatures set forth
19 in the electronic signatures in global and national commerce act (P.L.
20 106-229; 114 Stat. 464; 15 United States Code section 7001).

21 3. Telephonic notice, IF TELEPHONIC CONTACT IS MADE DIRECTLY WITH
22 THE AFFECTED INDIVIDUALS AND IS NOT THROUGH A PRERECORDED MESSAGE.

23 4. Substitute notice if the person demonstrates that the cost of
24 providing notice pursuant to paragraph 1, 2 or 3 of this subsection would
25 exceed TWO HUNDRED fifty thousand dollars or that the affected class of
26 subject individuals to be notified exceeds one hundred thousand persons,
27 or the person does not have sufficient contact information. Substitute
28 notice ~~shall consist~~ CONSISTS of all of the following:

29 (a) ~~Electronic mail~~ E-MAIL notice if the person has ~~electronic mail~~
30 E-MAIL addresses for the individuals WHO ARE subject to the notice.

31 (b) Conspicuous posting of the notice on the website of the person
32 if the person maintains one.

33 (c) Notification to major statewide media.

34 ~~E.~~ H. A person ~~who~~ THAT maintains the person's own notification
35 procedures as part of an information security policy for the treatment of
36 personal information and ~~who~~ THAT is otherwise consistent with the
37 requirements of this ~~section shall be~~ ARTICLE IS deemed to be in
38 compliance with the notification requirements of ~~this section~~ SUBSECTION
39 B, PARAGRAPH 2 OF THIS SECTION if the person notifies subject individuals
40 in accordance with the person's policies if a ~~breach of the~~ security
41 system BREACH occurs.

42 ~~F.~~ I. A person that complies with the notification requirements or
43 security SYSTEM breach procedures pursuant to the rules, regulations,
44 procedures, guidance or guidelines established by the person's primary or

1 functional federal regulator is deemed to be in compliance with THE
2 REQUIREMENTS OF SUBSECTION B, PARAGRAPH 2 OF this section.

3 ~~G.~~ J. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, a person is
4 not required to disclose a ~~breach of the~~ security ~~of the~~ system BREACH TO
5 AFFECTED INDIVIDUALS OR CONSUMER REPORTING AGENCIES if ~~the person or AN~~
6 INDEPENDENT THIRD-PARTY FORENSIC AUDITOR OR a law enforcement
7 agency, ~~after a reasonable investigation,~~ determines AFTER A REASONABLE
8 INVESTIGATION that a ~~breach of the~~ security ~~of the~~ system BREACH has not
9 occurred or is not reasonably likely to occur.

10 ~~H. This section may only be enforced by the attorney general. The~~
11 ~~attorney general may bring an action to obtain actual damages for a wilful~~
12 ~~and knowing violation of this section and a civil penalty not to exceed~~
13 ~~ten thousand dollars per breach of the security of the system or series of~~
14 ~~breaches of a similar nature that are discovered in a single~~
15 ~~investigation.~~

16 K. THE NOTIFICATION PROVIDED TO THE ATTORNEY GENERAL PURSUANT TO
17 SUBSECTION B, PARAGRAPH 1 OF THIS SECTION IS CONFIDENTIAL PURSUANT TO
18 SECTION 44-1525 AND IS EXEMPT FROM DISCLOSURE UNDER TITLE 39.

19 L. A VIOLATION OF THIS ARTICLE IS AN UNLAWFUL PRACTICE PURSUANT TO
20 SECTION 44-1522, AND ONLY THE ATTORNEY GENERAL MAY ENFORCE SUCH A
21 VIOLATION BY INVESTIGATING AND TAKING APPROPRIATE ACTION PURSUANT TO TITLE
22 44, CHAPTER 10, ARTICLE 7.

23 ~~I.~~ M. The state legislature determines that security system breach
24 notification is a matter of statewide concern. The power to regulate
25 security SYSTEM breach notification is preempted by this state, and this
26 ~~section shall supersede~~ ARTICLE SUPERSEDES and ~~preempt~~ PREEMPTS all
27 municipal and county laws, charters, ordinances and rules relating to
28 issues regulated by this ~~section~~ ARTICLE.

29 ~~J.~~ N. This ~~section~~ ARTICLE does not apply to either of the
30 following:

31 1. A person THAT IS subject to title V of the Gramm-Leach-Bliley
32 act (P.L. 106-102; 113 Stat. 1338; 15 United States Code sections 6801
33 through 6809).

34 2. Covered entities and business associates as defined under
35 regulations implementing the health insurance portability and
36 accountability act of 1996, 45 Code of Federal Regulations section 160.103
37 ~~(2003)~~ (2013).

38 ~~K.~~ O. The department of public safety, a county sheriff's
39 department, a municipal police department, a prosecution agency and a
40 court shall create and maintain an information security policy that
41 includes notification procedures for a ~~breach of the~~ security system
42 BREACH of the department of public safety, the county sheriff's
43 department, the municipal police department, the prosecuting agency or the
44 court.

1 ~~t. For the purposes of this section:~~
2 ~~1. "Breach", "breach of the security of the system", "breach of the~~
3 ~~security system" or "security breach" means an unauthorized acquisition of~~
4 ~~and access to unencrypted or unredacted computerized data that materially~~
5 ~~compromises the security or confidentiality of personal information~~
6 ~~maintained by a person as part of a database of personal information~~
7 ~~regarding multiple individuals and that causes or is reasonably likely to~~
8 ~~cause substantial economic loss to an individual. Good faith acquisition~~
9 ~~of personal information by an employee or agent of the person for the~~
10 ~~purposes of the person is not a breach of the security system if the~~
11 ~~personal information is not used for a purpose unrelated to the person or~~
12 ~~subject to further wilful unauthorized disclosure.~~
13 ~~2. "Court" means the supreme court, court of appeals, superior~~
14 ~~court, courts inferior to the superior court and justice courts.~~
15 ~~3. "Encrypted" means use of an algorithmic process to transform~~
16 ~~data into a form in which the data is rendered unreadable or unusable~~
17 ~~without use of a confidential process or key.~~
18 ~~4. "Individual" means a person that is a resident of this state as~~
19 ~~determined by a principal mailing address in this state as reflected in~~
20 ~~the records of the person conducting business in this state at the time of~~
21 ~~the breach.~~
22 ~~5. "Person" means a natural person, corporation, business trust,~~
23 ~~estate, trust, partnership, association, joint venture, government,~~
24 ~~governmental subdivision or agency or any other legal or commercial~~
25 ~~entity. Person does not include the department of public safety, a county~~
26 ~~sheriff's department, a municipal police department, a prosecution agency~~
27 ~~or a court.~~
28 ~~6. "Personal information":~~
29 ~~(a) Means an individual's first name or first initial and last name~~
30 ~~in combination with any one or more of the following data elements, when~~
31 ~~the data element is not encrypted, redacted or secured by any other method~~
32 ~~rendering the element unreadable or unusable:~~
33 ~~(i) The individual's social security number.~~
34 ~~(ii) The individual's number on a driver license issued pursuant to~~
35 ~~section 28-3166 or number on a nonoperating identification license issued~~
36 ~~pursuant to section 28-3165.~~
37 ~~(iii) The individual's financial account number or credit or debit~~
38 ~~card number in combination with any required security code, access code or~~
39 ~~password that would permit access to the individual's financial account.~~
40 ~~(b) Does not include publicly available information that is~~
41 ~~lawfully made available to the general public from federal, state or local~~
42 ~~government records or widely distributed media.~~
43 ~~7. "Prosecution agency" means the attorney general, any county~~
44 ~~attorney or any municipal prosecutor.~~

1 ~~8. "Redact" means alter or truncate data such that no more than the~~
2 ~~last four digits of a social security number, driver license number,~~
3 ~~nonoperating identification license number, financial account number or~~
4 ~~credit or debit card number is accessible as part of the personal~~
5 ~~information.~~

6 Sec. 3. Section 33-1701, Arizona Revised Statutes, is amended to
7 read:

8 33-1701. Definitions; exception

9 A. In this article, unless the context otherwise requires:

10 1. "Default" means the failure to perform on time any obligation or
11 duty set forth in the rental agreement.

12 2. "Department" means the Arizona game and fish department in the
13 case of motorized watercraft and the department of transportation in the
14 case of all other vehicles.

15 3. "Electronic mail" means an electronic message or an executable
16 program or computer file that contains an image of a message that is
17 transmitted between two or more computers or electronic terminals and
18 includes electronic messages that are transmitted within or between
19 computer networks from which a confirmation of receipt is received.

20 4. "Last known address" means that postal address or electronic
21 address provided by the occupant in the rental agreement or the postal
22 address or electronic address provided by the occupant in a subsequent
23 written notice of a change of address.

24 5. "Late fee" means a reasonable fee or charge that is assessed by
25 the operator for the failure of the occupant to pay rent when due pursuant
26 to section 33-1703, subsection D.

27 6. "Leased space" means the storage space or spaces at the
28 self-service storage facility that are rented to an occupant pursuant to a
29 rental agreement.

30 7. "Net proceeds" means the total proceeds received from the lien
31 sale ~~less~~ MINUS the total amount of the lien.

32 8. "Occupant" means a person or the person's sublessee, successor
33 or assign, ~~—~~ THAT IS entitled to the use of the leased space at a
34 self-service storage facility under a rental agreement, to the exclusion
35 of others.

36 9. "Operator" means the owner, operator, lessor or sublessor of a
37 self-service storage facility, an agent or any other person authorized to
38 manage the facility.

39 10. "Personal information" has the same meaning prescribed in
40 section ~~18-545~~ 18-552 and includes passport information and medical or
41 legal records.

42 11. "Personal property" means movable property that is not affixed
43 to land and includes ~~but is not limited to~~ goods, wares, merchandise,
44 household items and furnishings and vehicles.

1 12. "Protected property" means personal property FOR WHICH the sale
2 or disposal ~~of which~~ is regulated by state or federal law and that is one
3 of the following:

4 (a) Documents, files or electronic data that contains personal
5 information relating to clients, customers, patients or others in
6 connection with the occupant's business.

7 (b) Alcoholic beverages.

8 (c) Pharmaceuticals other than those dispensed by a licensed
9 pharmacy for the occupant's personal use.

10 (d) Firearms.

11 13. "Registered owner" means an owner of a vehicle as stated in the
12 official records of the department.

13 14. "Rental agreement" means any written agreement provided to the
14 occupant that establishes or modifies the terms, conditions or rules
15 concerning the use and occupancy of leased space at a self-service storage
16 facility.

17 15. "Self-service storage facility" means any real property used
18 for renting or leasing storage spaces in which the occupants themselves
19 customarily store and remove their own personal property on a self-service
20 basis.

21 16. "Vehicle" means a motor vehicle, a trailer or a semitrailer as
22 defined in section 28-101 and a motorized watercraft as defined in section
23 5-301.

24 17. "Verified mail" means any method of mailing that is offered by
25 the United States postal service and that provides evidence of mailing.

26 B. This article does not apply to a warehouseman unless the
27 warehouseman issues a warehouse receipt, bill of lading or other document
28 of title for the personal property stored.

29 Sec. 4. Section 36-3802, Arizona Revised Statutes, is amended to
30 read:

31 36-3802. Individual rights

32 A. A health information organization must provide the following
33 rights to individuals:

34 1. To opt out of participating in the health information
35 organization pursuant to section 36-3803.

36 2. To request a copy of the individual's individually identifiable
37 health information that is available through the health information
38 organization. The health information organization may provide this right
39 directly or may require health care providers participating in the health
40 information organization to provide access to individuals. The copy may
41 be provided electronically, if the individual requesting the copy consents
42 to electronic delivery of the individually identifiable health
43 information, and must be provided to the individual within thirty days
44 after the individual's request. Charges for copies are governed by
45 section 12-2295.

1 3. To request ~~THE~~ amendment of incorrect individually identifiable
2 health information available through the health information organization.

3 4. To request a list of the persons who have accessed the
4 individual's individually identifiable health information through the
5 health information organization for a period of at least three years
6 before the individual's request. This list must be provided to the
7 individual within thirty days after the individual's request.

8 5. To be notified, pursuant to section ~~18-545~~ 18-552 and 45 Code of
9 Federal Regulations part 164, subpart D, of a breach at the health
10 information organization that affects the individual's individually
11 identifiable health information.

12 B. If an individual does not have the capacity to make health care
13 decisions, the individual's health care decision maker may exercise all
14 individual rights in this chapter on behalf of the individual.

15 Sec. 5. Repeal

16 Laws 2006, chapter 232, section 3, as amended by Laws 2016, chapter
17 80, section 31, is repealed.