

House File 2494 - Introduced

HOUSE FILE _____
BY SANDS, LUKAN, SODERBERG,
WINDSCHITL, ALONS, L. MILLER,
FORRISTALL, ARNOLD, RASMUSSEN,
HEATON, VAN ENGELENHOVEN, DEYOE,
S. OLSON, GRANZOW, HOFFMAN,
CHAMBERS, DRAKE, and UPMEYER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the department of revenue to provide notice of
2 suspected misuse of personal information.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6282YH 82
5 md/nh/5

PAG LIN

1 1 Section 1. NEW SECTION. 422.72A SUSPECTED MISUSE OF
1 2 PERSONAL INFORMATION == NOTICE REQUIRED.
1 3 1. For the purposes of this section, the following
1 4 definitions apply:
1 5 a. "Affected individual" means an individual who is
1 6 identified by or connected with personal information contained
1 7 in the department's records.
1 8 b. "Personal information" means all of the following:
1 9 (1) Social security number.
1 10 (2) Tax identification number.
1 11 (3) Driver's license number or other unique identification
1 12 number created or collected by a government body.
1 13 (4) Financial account number, credit card number, or debit
1 14 card number in combination with any required security code,
1 15 access code, or password that would permit access to an
1 16 individual's financial account.
1 17 (5) Unique electronic identifier or routing code, in
1 18 combination with any required security code, access code, or
1 19 password.
1 20 c. "Suspected misuse of personal information" means
1 21 circumstances exist which would cause a reasonable person to
1 22 believe that an individual's personal information is being
1 23 used by an unauthorized individual. Such circumstances
1 24 include but are not limited to either of the following:
1 25 (1) A tax identification number under which wages are
1 26 being reported by two or more individuals.
1 27 (2) A tax identification number of an individual under the
1 28 age of sixteen with reported wages exceeding one thousand
1 29 dollars for a single quarterly period.
1 30 2. a. Unless otherwise prohibited by state or federal
1 31 law, the department shall provide notice to each affected
1 32 individual if department records indicate a suspected misuse
1 33 of personal information. Notice shall be made without
1 34 unreasonable delay. If the affected individual is a minor,
1 35 notice shall be provided to the minor's parent or guardian.
2 1 b. Notice of the suspected misuse of personal information
2 2 shall also be provided to an appropriate law enforcement
2 3 agency.
2 4 3. Notice provided to an affected individual shall be
2 5 clear and conspicuous and be provided by at least one of the
2 6 following:
2 7 a. Written notice to the affected individual's last
2 8 address of record.
2 9 b. Electronic mail notice, if the affected individual has
2 10 agreed to receive communications electronically.
2 11 c. Telephonic notice, if the communication is made
2 12 directly with the affected individual.
2 13 EXPLANATION
2 14 This bill requires the department of revenue to provide
2 15 notice to an individual if the department suspects that the

2 16 individual's personal information is being misused. The
2 17 department is required to provide notice to all individuals
2 18 who are identified by or connected with the personal
2 19 information suspected of being misused. The bill also
2 20 requires the department to provide notice to an appropriate
2 21 law enforcement agency.
2 22 The bill provides that notice of the suspected misuse must
2 23 be clear, conspicuous, and provided to the individual in
2 24 writing, by electronic mail, or by telephone.
2 25 LSB 6282YH 82
2 26 md/nh/5