

*10 L.P.R.A. § 4051*

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TITLE TEN Commerce  
Subtitle 3 Business Regulations Generally  
Chapter 310. Citizen Information on Data Banks Security Act

## 10 L.P.R.A. § 4051 (2017)

**§ 4051. Definitions**

For the purposes of this chapter:

**(a) *Personal information file.*** -- Refers to a file containing at least the name or first initial and the surname of a person, together with any of the following data so that an association may be established between certain information with another and in which the information is legible enough so that in order to access it there is no need to use a special cryptographic code.

**(1)** Social security number.

**(2)** Driver's license number, voter's identification or other official identification.

**(3)** Bank or financial account numbers of any type with or without passwords or access code that may have been assigned.

**(4)** Names of users and passwords or access codes to public or private information systems.

**(5)** Medical information protected by the HIPAA.

**(6)** Tax information.

**(7)** Work-related evaluations.

Neither the mailing nor the residential address is included in the protected information or information that is a public document and that is available to the citizens in general.

**(b) *Department.*** -- Refers to the Department of Consumer Affairs.

**(c) *Violation of the security system.*** -- Means any situation in which it is detected that access has been permitted to unauthorized persons or entities to the data files so that the security, confidentiality or integrity of the information in the data bank has been compromised; or when normally authorized persons or entities have had access and it is known or there is reasonable suspicion that they have violated the professional confidentiality or obtained authorization under false representation with the intention of making illegal use of the information. This includes both access to the data banks through the system and physical access to the recording media that contain the same and any removal or undue retrieval of said recordings.

**(d) Entity.** -- Means every agency, board, body, examining board, corporation, public corporation, committee, independent office, division, administration, bureau, department, authority, official, instrumentality or administrative organism of the three branches of the Government; every corporation, partnership, association, private company or organization authorized to do business or operate in the Commonwealth of Puerto Rico; as well as every public or private educational institution, regardless of the level of education offered by it.

**(e) Citizen's Advocate.** -- Refers to the Citizen's Advocate Office.

**HISTORY:** --Sept. 7, 2005, No. 111, § 2; June 19, 2008, No. 97, § 1.

*10 L.P.R.A. § 4052*

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10 L.P.R.A. § 4052 (2017)

**§ 4052. Notification**

Any entity that is the owner or custodian of a database that includes personal information of citizens residents of Puerto Rico must notify said citizens of any breach of the security of the system when the database whose security has been breached contains, in whole or in part, personal information files and the same are not protected by an encrypted code but only by a password.

Any entity that as part of their operations resells or provides access to digital data banks that at the same time contain personal information files of citizens must notify the proprietor, custodian or holder of said information of any violation of the system's security that has allowed access to those files to unauthorized persons.

Clients must be notified as expeditiously as possible, taking into consideration the need of law enforcement agencies to secure possible crime scenes and evidence as well as the application of measures needed to restore the system's security. Within a non-extendable term of ten (10) days after the violation of the system's security has been detected, the parties responsible shall inform the Department, which shall make a public announcement of the fact within twenty-four (24) hours after having received the information.

**HISTORY:** --Sept. 7, 2005, No. 111, § 3; June 19, 2008, No. 97, § 2.



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*10 L.P.R.A. § 4053*

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## 10 L.P.R.A. § 4053 (2017)

**§ 4053. Notification--Character and method**

The notice of breach of the security of the system shall be submitted in a clear and conspicuous manner and should describe the breach of the security of the system in general terms and the type of sensitive information compromised. The notification shall also include a toll free number and an Internet site for people to use in order to obtain information or assistance.

To notify the citizens the entity shall have the following options:

**(1)** Written direct notice to those affected by mail or by authenticated electronic means according to the Digital Signatures Act.

**(2)** When the cost of notifying all those potentially affected according to subsection (1) of this section or of identifying them is excessively onerous due to the number of persons affected, to the difficulty in locating all persons or to the economic situation of the enterprise or entity; or whenever the cost exceeds one hundred thousand dollars (\$ 100,000) or the number of persons exceeds one hundred thousand [(\$ 100,000)], the entity shall issue the notice through the following two (2) steps:

**(a)** Prominent display of an announcement to that respect at the entities premises, on the web page of the entity, if any, and in any informative flier published and sent through mailing lists both postal and electronic, and

**(b)** a communication to that respect to the media informing of the situation and providing information as to how to contact the entity to allow for better follow-up. When the information is of relevance to a specific professional or commercial sector, the announcement may be made through publications or programming of greater circulation oriented towards that sector.

**HISTORY:** --Sept. 7, 2005, No. 111, § 4; June 19, 2008, No. 97, § 3.

*10 L.P.R.A. § 4054*

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10 L.P.R.A. § 4054 (2017)

**§ 4054. No conflict with institutional information and security policies**

No provision of this chapter shall be interpreted as being prejudicial to those institutional information and security policies that an enterprise or entity may have in force prior to its effectiveness and whose purpose is to provide protection equal or better to the information on security herein established.

**HISTORY:** --Sept. 7, 2005, No. 111, § 5, eff. 120 days after Sept. 7, 2005.

*10 L.P.R.A. § 4054a*

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10 L.P.R.A. § 4054a (2017)

**§ 4054a. Notification regarding breach or irregularity in security systems**

In those cases in which the breach or irregularity in the security systems of the database occurs in a government agency or public corporation, it shall be notified to the Citizen's Advocate Office, which shall assume jurisdiction. For this purpose, the Citizen's Advocate shall designate a Specialized Advocate who shall address these types of cases.

**HISTORY:** --Sept. 7, 2005, No. 111, added as § 7 on June 19, 2008, No. 97, § 4.

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10 L.P.R.A. § 4054b (2017)

**§ 4054b. Specialized Advocate; regulations**

The Citizen's Advocate shall create within its Office the position of Databases Security Systems Specialized Advocate of the Government of Puerto Rico and shall draft and establish bylaws for compliance with the provisions of this act within one hundred and twenty (120) days after its approval.

**HISTORY:** --Sept. 7, 2005, No. 111, added as § 8 on June 19, 2008, No. 97, § 5.

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*10 L.P.R.A. § 4055*

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10 L.P.R.A. § 4055 (2017)

**§ 4055. Fines**

The Secretary may impose fines of five hundred dollars (\$ 500) up to a maximum of five thousand dollars (\$ 5,000) for each violation of the provisions of this chapter or its regulations. The fines provided in this section do not affect the rights of the consumers to initiate actions or claims for damages before a competent court.

**HISTORY:** --Sept. 7, 2005, No. 111, § 8, renumbered as § 10 on June 19, 2008, No. 97, § 6.