

INFORMATION MAINTAINED BY A BUSINESS ~~AND WILL LIKELY RESULT IN A MATERIAL RISK OF IDENTITY THEFT~~; AND

(2) "BREACH OF THE SECURITY OF A SYSTEM" DOES NOT INCLUDE THE GOOD FAITH ACQUISITION OF PERSONAL INFORMATION BY AN EMPLOYEE OR AGENT OF A BUSINESS FOR THE PURPOSES OF THE BUSINESS, PROVIDED THAT:

(i) ~~THE~~ THE PERSONAL INFORMATION IS NOT USED OR SUBJECT TO FURTHER UNAUTHORIZED DISCLOSURE; ~~AND~~

(ii) ~~IT IS NOT LIKELY THAT THE ACQUISITION WILL RESULT IN A MATERIAL RISK OF IDENTITY THEFT.~~

(B) (1) A BUSINESS THAT OWNS OR LICENSES COMPUTERIZED DATA THAT INCLUDES PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE, WHEN IT DISCOVERS OR IS NOTIFIED OF A BREACH OF THE SECURITY OF A SYSTEM, SHALL CONDUCT IN GOOD FAITH A REASONABLE AND PROMPT INVESTIGATION TO DETERMINE THE LIKELIHOOD THAT ~~THE BREACH WILL RESULT IN A MATERIAL RISK OF IDENTITY THEFT~~ PERSONAL INFORMATION OF THE INDIVIDUAL HAS BEEN OR WILL BE MISUSED AS A RESULT OF THE BREACH.

(2) IF, AFTER THE INVESTIGATION IS CONCLUDED, THE BUSINESS ~~REASONABLY BELIEVES~~ DETERMINES THAT ~~THE BREACH OF THE SECURITY OF A SYSTEM HAS RESULTED OR WILL RESULT IN A MATERIAL RISK OF IDENTITY THEFT OF PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE~~ MISUSE OF THE INDIVIDUAL'S PERSONAL INFORMATION HAS OCCURRED OR IS REASONABLY LIKELY TO OCCUR AS A RESULT OF A BREACH OF THE SECURITY OF A SYSTEM, THE BUSINESS SHALL NOTIFY THE INDIVIDUAL OF THE BREACH.

(3) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE NOTIFICATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE GIVEN AS SOON AS REASONABLY PRACTICABLE AFTER THE BUSINESS CONDUCTS THE INVESTIGATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) IF AFTER THE INVESTIGATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS CONCLUDED, THE BUSINESS DETERMINES THAT NOTIFICATION UNDER PARAGRAPH (2) OF THIS SUBSECTION IS NOT REQUIRED, THE BUSINESS SHALL MAINTAIN RECORDS THAT REFLECT ITS DETERMINATION FOR 3 YEARS AFTER THE DETERMINATION IS MADE.