



# Attorney General Doug Peterson

# News Release

FOR IMMEDIATE RELEASE  
JULY 7, 2015

## **NEBRASKA ATTORNEY GENERAL DOUG PETERSON URGES CONGRESS TO PRESERVE AUTHORITY TO ENFORCE STATE DATA BREACH AND DATA SECURITY LAWS**

*Co-Sponsors Multistate Letter against Federal Preemption of States' Ability to Legislate and  
Enforce Laws that Protect Consumers from Data Breaches and Identity Theft*

**Lincoln, NE** – Joining a bipartisan effort to ensure that any future federal data breach notification or data security law is effective and provides consumers with the best protection, Attorney General Doug Peterson announced today that he co-sponsored a multistate letter to the U.S. Congress emphasizing the importance of maintaining states' authority to enforce data breach and data security laws, and their ability to enact laws to address future data security risks.

Citing recent efforts in Congress to pass a national law on data breach notification and data security, AG Peterson, joined by 46 attorneys general, cautions against federal preemption of state data breach and security law and argues that any federal law must not diminish the important role states already play protecting consumers from data breaches and identity theft.

“When it comes to data security and breach issues, states are in a much better position than the federal government to protect its own citizens,” said General Peterson. “Preemption of state laws is not the answer to this ever-growing issue.”

The letter points out a number of concerns with federal preemption of state data breach and security laws, including:

- **Data breaches and identity theft continue to cause significant harm to consumers.** Since 2005, nearly 5,000 data breaches have compromised more than 815 million records containing sensitive information about consumers – primarily financial account information, Social Security numbers or medical information. Full-blown identity theft involving the use of a Social Security number can cost a consumer \$5,100 on average.
- **Data security vulnerabilities are too common.** States frequently encounter circumstances where data breach incidents result from the failure by data collectors to reasonably protect the sensitive data entrusted to them by consumers, putting consumers' personal information at unnecessary risk. Many of these breaches could

have been prevented if the data collector had taken reasonable steps to secure consumers' data.

- **States play an important role responding to data breaches and identity theft.** The States have been at the frontlines in helping consumers deal with the repercussions of a data breach, providing important assistance to consumers who have been impacted by data breaches or who suffer identity theft or fraud as a result, and investigating the causes of data breaches to determine whether the data collector experiencing the breach had reasonable data security in place. Forty-seven states now have laws requiring data collectors to notify consumers when their personal information has been compromised by a data breach, and a number of states have also passed laws requiring companies to adopt reasonable data security practices.

The letter urges Congress to preserve existing protections under state law, ensure that states can continue to enforce breach notification requirements under their own state laws and enact new laws to respond to new data security threats, and to not hinder states that are helping their residents by preempting state data breach and security laws.

Today's letter, co-sponsored by Arkansas, Connecticut, Illinois, Indiana, Maryland, Massachusetts and Nebraska, was also joined by the following states and territories: Alabama, Alaska, Arizona, California, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, North Mariana Islands, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia.

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