HOUSE BILL No. 4734

March 31, 2009, Introduced by Reps. Dean, Sheltrown, Leland, Melton, Durhal, Lori and Meadows and referred to the Committee on Judiciary.

A bill to amend 2004 PA 452, entitled

"Identity theft protection act,"

by amending section 12a (MCL 445.72a), as added by 2006 PA 566.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 12a. (1) Subject to subsection (3), a person or agency

2 that ~~maintains a database that includes personal information~~

3 ~~regarding multiple individuals~~ **DISPOSES OF ANY DATA FROM A DATABASE**

4 **THAT INCLUDES ANY UNENCRYPTED, UNREDACTED PERSONAL INFORMATION**

5 **CONCERNING AN INDIVIDUAL WHO IS A RESIDENT OF THIS STATE** shall

6 destroy ~~any data that contain personal information concerning an~~

7 ~~individual when~~ that data **WHEN IT** is removed from the database, ~~and~~

8 **UNLESS** the person or agency is ~~not~~ retaining the data elsewhere for

9 another purpose not prohibited by state or federal law. This

1   subsection does not prohibit a person or agency from retaining data

2   that contain personal information for purposes of an investigation,

3   audit, or internal review.

4   (2) A person ~~who~~ **THAT** knowingly violates this section is

5   guilty of a misdemeanor punishable by a fine of not more than

6    $250.00 for each violation. This subsection does not affect the

7   availability of any civil remedy for a violation of state or

8   federal law.

9   (3) A person or agency is considered to be in compliance with

10   this section if the person or agency is subject to federal law

11   concerning the disposal of records containing personal identifying

12   information and the person or agency is in compliance with that

13   federal law.

14   (4) As used in this section, "destroy" means to destroy or

15   arrange for the destruction of data by shredding, erasing,

16   **INCINERATING, MUTILATING,** or otherwise ~~modifying~~ **CHANGING** the data

17   so that they cannot be read, deciphered, or reconstructed through

18   generally available means.

19   Enacting section 1. This amendatory act does not take effect

20   unless all of the following bills of the 95th Legislature are

21   enacted into law:

22   (a) Senate Bill No.____ or House Bill No. 4730(request no.

23   01597'09).

24   (b) Senate Bill No.____ or House Bill No. 4731(request no.

25   01598'09).

26   (c) Senate Bill No.____ or House Bill No. 4732(request no.

27   01599'09).

1   (d) Senate Bill No.____ or House Bill No. 4733(request no.

2   01600'09).

3   (e) Senate Bill No.____ or House Bill No. 4729(request no.

4   01601'09).