

DEPARTMENT: Information Protection and Security	POLICY DESCRIPTION: LA - Breach of Personal Information under the Louisiana Database Security Breach Notification Law
PAGE: 1 of 4	REPLACES POLICY DATED: 8/1/18 (Model Policy)
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: IP.DP.LA.006
APPROVED BY: Ethics and Compliance Policy Committee	

SCOPE: All Company-affiliated facilities in the state of Louisiana, including, but not limited to, hospitals, ambulatory surgery centers, imaging and oncology centers, physician practices, shared services centers and corporate departments, Groups, Divisions and Markets (collectively Louisiana Affiliates).

PURPOSE: To provide guidance regarding workforce members' responsibility related to electronic database security breaches of certain confidential personal information and to establish the requirements for each Company-affiliated facility in Louisiana to protect confidential personal information as required by Database Security Breach Notification Law, as amended by Acts 2018, No. 382, effective August 1, 2018.

POLICY:

All Company-affiliated facilities in the state of Louisiana, including, but not limited to, hospitals, ambulatory surgery centers, imaging and oncology centers, physician practices, shared services centers and corporate departments, Groups, Divisions and Markets (collectively, the "Louisiana Affiliates") shall take measures to protect and secure data in electronic form containing personal information.

Louisiana Affiliates must notify each individual in Louisiana whose electronic personal information was, or is reasonably believed to have been, acquired by an unauthorized person or entity, within 60 days of discovery of a breach of the security of the system on which the personal information was stored. This mandate also pertains to paper copies or documents downloaded or printed from any electronic data system. The Louisiana Attorney General may allow an extension of time for notification if the Louisiana Affiliate provides a written request to the Attorney General within 60 days of discovering the breach. The request must state that additional measures are necessary to (a) determine the scope of the breach, (b) prevent further disclosures, and (c) restore the reasonable integrity of the data system.

Louisiana Affiliates must also notify the Consumer Protection Section of the Attorney General's Office of the breach within 10 days of distribution of the notice to the affected Louisiana citizens.

Notice is not required if, after a reasonable investigation, the Louisiana Affiliate determines that there is no reasonable likelihood of harm to the individual whose personal information was breached.

Failure to comply with this policy will constitute an unfair act or practice, thereby violating the Louisiana Unfair Trade Practices Act. It may also lead to civil suits resulting from the

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failure to timely disclose to an individual that there has been a breach of the security system resulting in the disclosure of his or her personal information.

Failure to timely notify the Attorney General may result in a fine not to exceed \$5,000 per violation. After the 10th day, each day notice is not received by the Attorney General is deemed a separate violation.

DEFINITIONS

“**Breach of the security of the system**” means the compromise of the security, confidentiality, or integrity of computerized data, or paper copies or documents downloaded or printed from the computerized data, that results in, or there is a reasonable likelihood to result in, the unauthorized acquisition of and access to personal information maintained by a Louisiana Affiliate. Good faith acquisition of personal information by an employee or agent of a Louisiana Affiliate for purposes of the Louisiana Affiliate is not a breach of the security of the system, provided that the personal information is not used for, or is subject to, unauthorized disclosure.

“**Individual**” means any individual who resides in the state of Louisiana.

“**Personal information**” means the first name or first initial and last name of an individual resident of Louisiana in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted:

- a. Social security number.
- b. Driver's license number or Louisiana identification card.
- c. Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to a person's financial account.
- d. Passport number.
- e. Biometric data. “Biometric data” means data generated by automatic measurements of a person’s biological characteristics, such as fingerprints, voice print, eye retina or iris, or other unique biological characteristic that is used by the owner or licensee to uniquely authenticate an individual's identity when the individual accesses a system or account.

PROCEDURE:

- 1. Notice to the Individual
 - a. Louisiana Affiliates must notify each individual whose electronic personal information was, or was reasonably believed to have been, acquired by an unauthorized person or entity. This mandate applies to paper copies or documents

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downloaded or printed from the electronic system. Notice shall be made as expeditiously as possible and without unreasonable delay, but no later than 60 days after discovery of a breach.

b. If the Louisiana Affiliate determines that (1) notice to the individual would interfere with law enforcement efforts; or (2) additional measures are necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system, notice may be delayed beyond 60 days. If more than 60 days is needed due to one or more of the foregoing reasons (excluding law enforcement efforts), the Louisiana Affiliate must provide written reasons for the delay to the Louisiana Attorney General within 60 days following discovery of the breach. The Attorney General should grant an extension of time for notification to the individuals.

c. Notice to the individual may be made by one of the following methods:

- i. Written notification; or
- ii. Substitute notification, if (a) a Louisiana Affiliate demonstrates that the cost of providing notification to each individual would exceed \$100,000 dollars; (b) the number of persons to be notified exceeds 100,000; or (c) the Louisiana Affiliate does not have sufficient contact information. Substitute notification shall consist of all of the following:
 - A. E-mail notification when the Louisiana Affiliate has an e-mail address for the subject persons.
 - B. Conspicuous posting of the notification on the Louisiana Affiliate's internet website, if an internet website is maintained.
 - C. Notification to major statewide media.

d. Notice to the Consumer Protection Section of the Louisiana Attorney General's office:

- i. Notice must be in writing and must contain the names of all Louisiana citizens affected by the breach.
- ii. Notice must be received by the Consumer Protection Section within 10 days from distribution of notice to the affected individuals.
- iii. Notice shall be mailed to:

Office of the Attorney General
Consumer Protection Section
1885 N. Third Street
Baton Rouge, LA 70802
- iv. Failure to timely notify the Consumer Protection Section may result in a fine of up to \$5,000 per violation. Each day after the 10-day notice period shall be deemed a separate violation.

e. Notice is not required if, after a reasonable investigation, the Louisiana Affiliate determines that there is no reasonable likelihood of harm to the individual whose

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personal information was breached. A copy of the determination and supporting documentation must be maintained by the Louisiana Affiliate for 5 years. Upon written request from the Attorney General, a copy of the determination and supporting documentation must be provided within 30 days of receipt of the request.

2. Requirements for Disposal of Individuals' Records

Louisiana Affiliates shall take all reasonable steps to destroy or arrange for the destruction of the records within its custody or control containing personal information that is no longer to be retained by the Louisiana Affiliate by shredding, erasing, or otherwise modifying the personal information in the records to make it unreadable or undecipherable through any means.

REFERENCES:

1. La. R.S. §§ 51:3071 – 3075
2. LAC title 16, Pt III, § 701