HOUSE BILL No. 6105

May 8, 2008, Introduced by Reps. Dean, Palmer, Hopgood, Johnson, Bieda, Lemmons, Polidori, Valentine, Bennett, Scott, Cheeks, Espinoza, Miller, Gonzales, Constan, Corriveau, Leland, Spade, Jackson, Brown, Donigan, Ebli, Condino, Lindberg, Bauer, Vagnozzi, Virgil Smith, Green, Clack, Meadows, Robert Jones, Hood and DeRoche 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)~~ **SUBSECTIONS (2) AND**

2 **(4)**, a person or agency that maintains a database that includes

3 personal information regarding multiple individuals shall destroy

4 any data that contain personal information concerning an individual

5 when ~~that~~ **THE EARLIER OF ANY OF THE FOLLOWING OCCUR:**

6 **(A) THE DATA HAS REMAINED IN THE DATABASE FOR A PERIOD OF 2**

7 **YEARS, OR ANY LONGER PERIOD OF TIME EXPRESSLY AGREED TO BY AN**

8 **INDIVIDUAL IN WRITING OR REQUIRED OR AUTHORIZED BY STATE OR FEDERAL**

9 **LAW.**

10 **(B) THE** data is removed from the database and the person or

1   agency is not retaining the data elsewhere for another purpose not

2   prohibited by state or federal law. ~~This subsection~~

3   **(2) SUBSECTION (1)** does not prohibit a person or agency from

4   retaining data that contain personal information for purposes of an

5   investigation, audit, or internal review.

6   **(3)** ~~(2)~~ A person ~~who~~ **THAT** knowingly violates this section is

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

8 $250.00 for each violation. This subsection does not affect the

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

10   federal law.

11   **(4)** ~~(3)~~ A person or agency is considered ~~to be~~ in compliance

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

13   concerning the disposal of records containing personal identifying

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

15   federal law.

16   **(5)** ~~(4)~~ As used in this section, "destroy" means to destroy or

17   arrange for the destruction of data by shredding, erasing, or

18   otherwise modifying the data so that they cannot be read,

19   deciphered, or reconstructed through generally available means.

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

21   unless all of the following bills of the 94th Legislature are

22   enacted into law:

23   (a) Senate Bill No. ____ or House Bill No. 6099(request no.

24   05635'07).

25   (b) Senate Bill No. ____ or House Bill No. 6100(request no.

26   05636'07).

27   (c) Senate Bill No. ____ or House Bill No. 6101(request no.

1 05637'07).

2   (d) Senate Bill No. ____ or House Bill No. 6102(request no.

3 05638'07).

4   (e) Senate Bill No. ____ or House Bill No. 6103(request no.

5 05639'07).

6   (f) Senate Bill No. ____ or House Bill No. 6104(request no.

7 05979'07).

8   (g) Senate Bill No. ____ or House Bill No. 6106(request no.

9 05981'07).

10   (h) Senate Bill No. ____ or House Bill No. 6107(request no.

11 05982'07).