



## Director's Office

One Capitol Hill | Providence, RI 02908 | (401) 222-2280

Jonathan Womer, Director

February 11, 2025

House Committee on Innovation, Internet, & Technology  
Rhode Island State House  
82 Smith Street  
Providence, RI 02903

### **Re: H5301 – AN ACT RELATING TO CRIMINAL OFFENSES-IDENTITY THEFT PROTECTION ACT OF 2015**

Dear Chairperson Baginski,

Thank you for providing the Department of Administration the opportunity to submit comments in response to House Bill No. 5301, which amends the requirements for when and how an individual impacted by a data breach must be notified. The Department has a great appreciation for the importance of this statute, particularly in light of the recent RIBridges data breach, but would like to raise a few operational concerns with the proposed amendments.

The proposed language requires entities which have been the victim of a data breach “to cooperate with the owner or licensor” of compromised information. There is no definition of “cooperate,” which makes this requirement ambiguous and open-ended. Unlike the clear and predictable expectations set by the notification process, this requirement will likely generate unnecessary confusion for impacted individuals about what they are entitled to from an entity that holds their data. Further, as we know from many data breaches recently in the news, including outside of Rhode Island, the magnitude of a data breach can be great. An open-ended requirement to cooperate with impacted individuals has the potential to generate unsustainable administrative burdens, divert resources from incident response, and jeopardize legal proceedings and timely compliance with the existing notification process.

Additionally, inherent to R.I. Gen. Laws Chapter 11-49.3 are the ideas that an entity confirms it is the victim of a data breach and it is able to identify and notify the impacted individuals. Importantly, the 30-day notice requirement is triggered when the entity has all pertinent information required to send notice, including name and address. The proposed amendments to (a)(2)(i) create a threshold for notification that 1) is not contingent on the entity validating an event has occurred and 2) disregards the availability of the information that is needed to generate notices to impacted individuals. An entity could not appropriately or practically provide notification under the proposed language.

The Department appreciates the opportunity to submit comments on House Bill No. 5301. If there are any questions, please feel free to contact my office at your convenience.



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Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Womer".

Jonathan Womer  
Director

cc: The Honorable Members of the House Committee on Innovation, Internet, & Technology  
The Honorable Robert Phillips  
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House  
Dawn Huntley, Clerk