

# 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

House Bill No. 4734 as amended September 9, 2009

subsection does not prohibit a person or agency from retaining data that contain personal information for purposes of an investigation, audit, or internal review.

(2) A person ~~who~~**THAT** knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$250.00 for each violation. This subsection does not affect the availability of any civil remedy for a violation of state or federal law.

(3) A person or agency is considered to be in compliance with this section if the person or agency is subject to federal law concerning the disposal of records containing personal identifying information and the person or agency is in compliance with that federal law.

(4) As used in this section, "destroy" means to destroy or arrange for the destruction of data by shredding, erasing, **INCINERATING, MUTILATING,** or otherwise ~~modifying~~**CHANGING** the data so that they cannot be read, deciphered, or reconstructed through generally available means.

[Enacting section 1. This amendatory act takes effect January 1, 2010.]

Enacting section [2]. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) Senate Bill No.\_\_\_\_ or House Bill No. 4730(request no. 01597'09).

(b) Senate Bill No.\_\_\_\_ or House Bill No. 4731(request no. 01598'09).

(c) Senate Bill No.\_\_\_\_ or House Bill No. 4732(request no. 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).