

## New Year – New Standard: New York Amends Data Breach Notification Law

On December 21, 2024, Governor Hochul signed S2659B into law, amending Section 899-aa of the New York General Business Law and introducing significant changes to the way data breaches affecting New York residents must be reported. The revised version of Section 899-aa went into effect immediately upon signing.

### Notification Timing

Previously, New York law required individuals be notified of a data breach “in the most expedient time possible and without unreasonable delay. . .” and did not specify a concrete deadline. The law now states as follows:

The disclosure shall be made in the most expedient time possible and without unreasonable delay, provided that such notification shall be ***made within thirty days after the breach has been discovered . . .***

Therefore, businesses now have a clear timeline in which they must notify New York residents of a data breach. Moreover, the updated law removes the previous exemption that allowed businesses to delay notification while taking necessary measures to determine the scope of a breach and to restore system integrity.

### Agency Notification

S2659B also expands the list of the state agencies that must be notified when a data breach occurs. In addition to the New York State Attorney General, the Department of State, and the Division of State Police, the Department of Financial Services must now also be the recipient of data breach notifications.

These changes significantly impact how businesses must manage data breaches involving New York residents. Failure to comply with these new timing and notification requirements could result in significant monetary penalties and reputational damage. For more information regarding New York data breach notification requirements, or any other cybersecurity related issues, please contact:

Nicole E. Osborne, Esq.  
516.663.6687  
nosborne@rmfpc.com