

[Mont. Code §§ 30-14-1701 - 30-14-1705](#)

Quick Facts	Breach Based on Harm Threshold	Deadline for Consumer Notice	Government Notification Required
	YES	Without unreasonable delay	YES

### More Details

<b>Scope of this Summary</b>	Notification requirements applicable to person or business, excluding insurance companies, that conduct business in Montana and that own, license or maintain covered info. Some types of businesses may be exempt from some or all of these requirements and non-commercial entities may be subject to different requirements.
<b>Covered Info</b>	First name or first initial and last name, plus: Social Security or tax identification number; driver's license, state identification card or tribal identification card number; or account, credit card or debit card number in combination with any required security or access code or password that would permit access to a resident's financial account; medical record info as defined in Mont. Code § 33-19-104; or an identity protection personal identification number issued by the US Internal Revenue Service.
<b>Form of Covered Info</b>	Electronic Only
<b>Encryption Safe Harbor</b>	Statute does not apply to information that is encrypted, so long as encryption key was not accessed or acquired.
<b>Breach Defined</b>	Unauthorized access or acquisition that materially compromises the security, confidentiality or integrity of the covered info, excluding certain good-faith acquisitions by employees or agents.
<b>Consumer Notice</b>	<u>Timing</u> : Must be made without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. <u>Method</u> : By written notice or electronic notice if consistent with E-SIGN. Substitute notice is available if certain criteria are satisfied.
<b>Delayed Notice</b>	Notification may be delayed if law enforcement determines notice may impede a criminal investigation.
<b>Harm Threshold</b>	Notification not required if the covered entity reasonably believes that breach has not and will not reasonably cause loss or injury to a Montana resident.
<b>Government Notice</b>	Must simultaneously submit electronic copy of notification sent to consumers and statement providing the date and method of distributing the notice to the Attorney General's consumer protection office. Copy submitted to the Attorney General must exclude any info that personally identifies those persons who are entitled to notification.
<b>Consumer Agency Notice</b>	If you provide notice to any consumer and suggest, indicate or imply that the individual may obtain a copy of their consumer report from a CRA, the entity must coordinate with the CRA as to the timing, content and distribution of the notice. Coordination may not unreasonable delay the notice to affected individuals.
<b>Third-Party Notice</b>	If you maintain covered info on behalf of another entity, you must notify them immediately following discovery of a breach.
<b>Potential Penalties</b>	Violations may result in civil or criminal penalties.

Last revised on October 1, 2015

**This summary is for informational purposes only. It provides general information and not legal advice or opinions regarding specific facts. Additional requirements or conditions may apply to any or all provisions referenced herein. For more information about the state data breach notification laws or other data security matters, please seek the advice of counsel.**