

HOUSE BILL NO. HB0187

Customer records disposal.

Sponsored by: Representative(s) Johnson, W.

A BILL

for

1 AN ACT relating to trade and commerce; specifying the  
 2 procedure for destroying customer records by persons,  
 3 financial institutions and other businesses; providing for  
 4 definitions; providing for civil actions and criminal  
 5 penalties; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 40-22-101 through 40-22-103 are  
 10 created to read:

11

12

CHAPTER 22

13

CUSTOMER RECORDS

14

15       **40-22-101. Definitions.**

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17       (a) As used in this act:

1

2 (i) "Customer" means an individual who provides  
3 personal information to a person for the purpose of  
4 purchasing or leasing a product or obtaining a service from  
5 the person;

6

7 (ii) "Individual" means a natural person;

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9 (iii) "Personal information" means any  
10 information that identifies, relates to, describes or is  
11 capable of being associated with a particular individual,  
12 including but not limited to, his name, signature, social  
13 security number, physical characteristics or description,  
14 address, telephone number, passport number, driver's  
15 license or state identification card number, insurance  
16 policy number, education, employment, employment history,  
17 bank account number, credit card number, debit card number  
18 or any other financial information;

19

20 (iv) "Records" means any material, regardless of  
21 the physical form, on which information is recorded or  
22 preserved by any means, including in written or spoken  
23 words, graphically depicted, printed or electromagnetically  
24 transmitted. "Records" does not include publicly available

1 directories containing information an individual has  
2 voluntarily consented to have publicly disseminated or  
3 listed, such as name, address or telephone number;

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5 (v) "This act" means W.S. 40-22-101 through  
6 40-22-103.

7

8 **40-22-102. Customer's records; reasonable steps to**  
9 **destroy.**

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11 A person shall take all reasonable steps to destroy or  
12 arrange for the destruction of a customer's records within  
13 its custody or control containing personal information  
14 which is no longer required by law to be retained by the  
15 person by shredding, erasing or otherwise modifying the  
16 personal information in those records to make it unreadable  
17 or undecipherable through any means.

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19 **40-22-103. Remedies.**

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21 (a) Any customer who is the victim of unreasonable  
22 record disposal as defined by W.S. 40-22-102 may maintain a  
23 civil action against the person who fails to comply with  
24 W.S. 40-22-102 for damages incurred by the victim as a

1 result of that conduct. The aggrieved party may also seek  
2 and be awarded exemplary damages, reasonable attorney's  
3 fees and costs of the action.

4

5 (b) Any person that violates, proposes to violate or  
6 has violated this act may be enjoined.

7

8 (c) A person commits a misdemeanor punishable by a  
9 fine of not more than one thousand dollars (\$1,000.00) if  
10 he fails to comply with W.S. 40-22-102.

11

12 (d) It shall be an affirmative defense to a  
13 prosecution under this section that the person who had  
14 custody of the records arranged for the disposal of the  
15 records by giving them to a person in the business of  
16 shredding, erasing or otherwise modifying the records.

17

18 (e) The rights and remedies available under this  
19 section are cumulative to each other and to any other  
20 rights and remedies available under law.

21

22 **Section 2.** W.S. 13-3-501 is amended to read:

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24 **13-3-501. Retention and destruction generally.**

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2 Each ~~bank~~ financial institution in this state shall retain  
3 its business records for the periods prescribed by W.S.  
4 13-3-501 through 13-3-507 and dispose of its business  
5 records in accordance with W.S. 40-22-101 through  
6 40-22-103. W.S. 13-3-501 through 13-3-507 and 40-22-101  
7 through 40-22-103 apply to national banks, federal credit  
8 unions, federal savings banks, federal savings and loans  
9 associations and federal trust companies where not in  
10 conflict with federal law, rule or regulation.

11

12 **Section 3.** This act is effective July 1, 2002.

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(END)