

U.S. State-Specific Data Disposal Laws

Organizations often collect personally identifiable information (PII) on their prospects and customers for contact, billing and other purposes. This information must be kept confidential at all costs. If this sensitive data is exposed via a breach, it could negatively impact both a business' reputation and its finances, depending on the federal, state and local regulations it must abide by.

Financial and healthcare companies are just two examples of sectors with strict instructions to protect individuals' privacy. To-date, there are over 32 states with some type of data disposal regulations for paper and digital data, with 31 of those laws addressing digital data specifically (Arizona's data disposal law only applies to paper records). Here's a breakdown of how each of these states approaches data disposal, along with information about whether government organizations and/or private businesses are affected.

State	Name of Law	Applies to gov't or businesses?	Excerpt
Alaska	30th Legislature (2017- 2018)	Both	Article 4. Disposal of Records. Sec. 45.48.500. Disposal of records.
	Alaska Statutes 2017 AS 45.48.500		"(a) When disposing of records that contain personal information, a business and a governmental agency shall take all reasonable measures necessary to protect against unauthorized access to or use of the records.
			(b) Notwithstanding (a) of this section, if a business or governmental agency has otherwise complied with the provisions of AS 45.48.500 — 45.48.590 in the selection of a third party engaged in the business of record destruction, the business or governmental agency is not liable for the disposal of records under AS 45.48.500 — 45.48.590 after the business or governmental agency has relinquished control of the records to the third party for the destruction of the records.
			(c) A business or governmental agency is not liable for the disposal of records under AS 45.48.500 — 45.48.590 after the business or governmental agency has relinquished control of the records to the individual to whom the records pertain."
Arkansas	Title 4 Business and Commercial Law / Subtitle 7 Consumer Protection Ark. Code § 4-110-103 Ark. Code § 4-110-104	Both	Title 4. Business and Commercial Law. 4-110-104. Protection of personal information. "(a) A person or business shall take all reasonable steps to destroy or arrange for the destruction of a customer's records within its custody or control containing personal information that is no longer to be retained by the person or business by shredding, erasing, or otherwise modifying the personal information in the records to make it unreadable or undecipherable through any means. (b) A person or business that acquires, owns, or licenses personal information about an Arkansas resident shall implement and maintain reasonable security procedures and practices appropriate to the nature
California	Cal. Civ. Code §§ 1798.81,	Businesses Only	of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure." "Disposal of Customer Records - California Civil Code sections 1798.80 -
	1798.81.5, 1798.84	,	1798.81 and 1798.84. These sections require businesses to shred, erase or otherwise modify the personal information when disposing of customer records under their control. It provides a "safe harbor" from civil litigation for a business that has come into possession of records containing personal information that were abandoned, so long as the business disposes of them as provided in the statute."



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Colorado	2016 Colorado Revised Statutes: Title 6 - Consumer and Commercial Affairs: Fair Trade and Restraint of	Both	"(1) Each public and private entity in the state that uses documents during the course of business that contain personal identifying information shall develop a policy for the destruction or proper disposal of paper documents containing personal identifying information.
	Trade: Article 1 - Colorado Consumer Protection Act: Part 7 - Specific Provisions § 6-1-713. Disposal ofpersonal identifying documents - policy		(2) For the purposes of this section, "personal identifying information" means: A social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data; an employer, student, or military identification number; or a financial transaction device.
			(3) A public entity that is managing its records in compliance with part 1 of article 80 of title 24, C.R.S., shall be deemed to have met its obligations under subsection (1) of this section.
			(4) Unless an entity specifically contracts with a recycler or disposal firm for destruction of documents that contain personal identifying information, nothing herein shall require a recycler or disposal firm to verify that the documents contained in the products it receives for disposal or recycling have been properly destroyed or disposed of as required by this section."
Connecticut	2011 Connecticut Code Title 42 Business, Selling, Trading and Collection Practices Safeguarding of personal information. Social Security numbers. Privacy protection policy. Civil penalty.	Businesses Only	Sec. 42-471. Safeguarding of personal information. Social Security numbers. Privacy protection policy. Civil penalty. "(a) Any person in possession of personal information of another person shall safeguard the data, computer files and documents containing the information from misuse by third parties, and shall destroy, erase or make unreadable such data, computer files and documents prior to disposal."
Delaware	Del. Code tit. 6 § 5001C to	Applies to	"§ 5002C Safe destruction of records.
	-5004C, tit. 19 § 736	Employers	In the event that a commercial entity seeks permanently to dispose of records containing consumers' personal identifying information within its custody or control, such commercial entity shall take reasonable steps to destroy or arrange for the destruction of each such record by shredding, erasing, or otherwise destroying or modifying the personal identifying information in those records to make it unreadable or indecipherable."
Florida	2018 Fla. Stat. § 501.171(8) Title XXXIII Regulation of Trade, Commerce, Investments, and Solicitations	Businesses Only	501.171- Security of confidential personal information. — REQUIREMENTS FOR DATA SECURITY.—"Each covered entity, governmental entity, or third-party agent shall take reasonable measures to protect and secure data in electronic form containing personal information."
	Chapter 501 Consumer Protection		



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Georgia	O.C.G.A. Section 10-15-1	Businesses Only	Georgia law (O.C.G.A. Section 10-15-1) regulates the proper disposal of business records that contain consumers' personal data. A business should properly dispose of any documents that include a person's fingerprints, photograph, Social Security number, passport number, driver's license number, personal identification card number, date of birth, or medical or disability information. Some examples of covered documents include:
			Information about a consumer's medical condition that is not considered public knowledge.
			Data containing account numbers, account balances, credit balances or credit limits.
			Information from federal, state or local tax returns.
			Information from loan or credit card applications.
			To dispose of this material legally, a business needs to do one of the following:
			Shred these records before disposal.
			Erase the personal information contained in any records before discarding them; or
			Modify records so that the personal information is unreadable.
			Businesses must take every reasonable action to ensure information is disposed of securely.
Hawaii	Haw. Rev. Stat. §§ 487R-1, 487R-2, 487R-3	Both	§ 487R-2 Destruction of personal information records. "(a) Any business or government agency that conducts business in Hawaii and any business or government agency that maintains or otherwise possesses personal information of a resident of Hawaii shall take reasonable measures to protect against unauthorized access to or use of the information in connection with or after its disposal. (b) The reasonable measures shall include: (1) Implementing and monitoring compliance with policies and procedures that require the burning, pulverizing, recycling, or shredding of papers containing personal information so that information cannot be practicably read or reconstructed; (2) Implementing and monitoring compliance with policies and procedures that require the destruction or erasure of electronic media and other nonpaper media containing personal information so that the information
			cannot practicably be read or reconstructed; and (3) Describing procedures relating to the adequate destruction or proper disposal of personal records as official policy in the writings of the business entity."
Illinois	20 ILCS 450/20,	Both	(815 ILCS 530/30)
	815 ILCS 530/30, 815 ILCS 530/40		Sec. 30. Safe disposal of information. Any State agency that collects personal data that is no longer needed or stored at the agency shall dispose of the personal data or written material it has collected in such a manner as to ensure the security and confidentiality of the material.
			(Source: P.A. 94-947, eff. 6-27-06.)
Indiana	Ind. Code §§ 24-4-14-8, 24-4.9-3-3.5(c)	Businesses Only	Sec. 8. "A person who disposes of the unencrypted, unredacted personal information of a customer without shredding, incinerating, mutilating, erasing, or otherwise rendering the information illegible or unusable commits a Class C infraction. However, the offense is a Class A infraction if:
			(1) the person violates this section by disposing of the unencrypted, unredacted personal information of more than one hundred (100) customers; or
			(2) the person has a prior unrelated judgment for a violation of this section. As added by P.L.125-2006, SEC.5. IC 24-4-15 Chapter 15. Automated External Defibrillators in Health Clubs."



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Kansas	Kan. Stat. § 50-7a01 Kan. Stat. § 50-7a03 Kan. Stat. § 50-6, 139b(2)	Both	50-7a03.Destruction of consumer information; exception. "Unless otherwise required by federal law or regulation, a person or business shall take reasonable steps to destroy or arrange for the destruction of a customer's records within its custody or control containing personal information which is no longer to be retained by the person or business by shredding, erasing or otherwise modifying the personal information in the records to make it unreadable or undecipherable through any means."
Kentucky	Ky. Rev. Stat. § 365.725	Businesses Only	365.725 Destruction of customer's records containing personally identifiable information. "When a business disposes of, other than by storage, any customer's records that are not required to be retained, the business shall take reasonable steps to destroy, or arrange for the destruction of, that portion of the records containing personally identifiable information by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or indecipherable through any means."
Massachusetts	Mass. Gen. Laws Ch. 93I, § 2	Both	Section 2: Standards for disposal of records containing personal information; disposal by third party; enforcement Section 2. "When disposing of records, each agency or person shall meet the following minimum standards for proper disposal of records containing personal information: (a) paper documents containing personal information shall be either redacted, burned, pulverized or shredded so that personal data cannot practicably be read or reconstructed; (b) electronic media and other non-paper media containing personal information shall be destroyed or erased so that personal information cannot practicably be read or reconstructed. Any agency or person disposing of personal information may contract with a third party to dispose of personal information in accordance with this chapter. Any third party hired to dispose of material containing personal information shall implement and monitor compliance with policies and procedures that prohibit unauthorized access to or acquisition of or use of personal information during the collection, transportation and disposal of personal information. Any agency or person who violates the provisions of this chapter shall be subject to a civil fine of not more than \$100 per data subject affected, provided said fine shall not exceed \$50,000 for each instance of improper disposal. The attorney general may file a civil action in the superior or district court in the name of the commonwealth to recover such penalties."
Maryland	Maryland Personal Information Protection Act; Md. Code Com. Law §14- 3501	Both	"The Maryland Personal Information Protection law amends Md. Code Com. Law §14-3502 to expand the class of information subject to Maryland's destruction of records laws. The previous version of Maryland's law only covers customer records; the amended law will cover records relating to employees and former employees that contain personal information. Additionally, the definition of personal information has been expanded: Under the revised regulation, it now includes: State identification card number Passport number or other identification number issued by the federal government Health information, meaning any information created by an entity covered by HIPAA regarding an individual's medical history, medical condition, or medical treatment or diagnosis Health insurance policy or certificate number or health insurance subscriber identification number, in combination with a unique identifier used by an insurer or an employer that is self-insured, that permits access to an individual's medical health information Biometric data Username or email address in combination with a password or security question that permits access to an individual's email account"



State	Name of Law	Applies to gov't or businesses?	Excerpt
Michigan	Act 452 of 2004	Both	445.72a Destruction of data containing personal information required; violation as misdemeanor; fine; compliance; "destroy" defined.
			Sec. 12a.
			(1) Subject to subsection (3), a person or agency that maintains a database that includes personal information regarding multiple individuals shall destroy any data that contain personal information concerning an individual when that data is removed from the database and the person or agency is not retaining the data elsewhere for another purpose not prohibited by state or federal law. This 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 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, or otherwise modifying the data so that they cannot be read, deciphered, or reconstructed through generally available means.
Montana	Mont. Code Ann. § 30-14- 1703	Businesses Only	30-14-1703. Record destruction. "A business shall take all reasonable steps to destroy or arrange for the destruction of a customer's records within its custody or control containing personal information that is no longer necessary to be retained by the business by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or undecipherable.
Nevada	Nev. Rev. Stat. § 603A.200	Businesses Only	NRS 603A.200 - Destruction of certain records.
			1. "A business that maintains records which contain personal information concerning the customers of the business shall take reasonable measures to ensure the destruction of those records when the business decides that it will no longer maintain the records."
New Jersey	N.J. Stat. § 56:8-161	Both	C.56:8-162 Methods of destruction of certain customer records.
	N.J. Stat. § 56:8-162		11. "A business or public entity shall destroy, or arrange for the destruction of, a customer's records within its custody or control containing personal information, which is no longer to be retained by the business or public entity, by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable, undecipherable or nonreconstructable through generally available means."
New Mexico	Data Breach Notification Act	Businesses Only	SECTION 3. [NEW MATERIAL DISPOSAL OF PERSONAL IDENTIFYING INFORMATION.—
			"A person that owns or licenses records containing personal identifying information of a New Mexico resident shall arrange for proper disposal of the .206453.6 records when they are no longer reasonably needed for business purposes. As used in this section, 'proper disposal' means shredding, erasing or otherwise modifying the personal identifying information contained in the records to make the personal identifying information unreadable or undecipherable."



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New York	N.Y. Gen. Bus. Law § 399-H	Businesses Only	New York Consolidated Laws, General Business Law - GBS § 399-h. Disposal of records containing personal identifying information
			"Disposal of records containing personal identifying information. No person, business, firm, partnership, association, or corporation, not including the state or its political subdivisions, shall dispose of a record containing personal identifying information unless the person, business, firm, partnership, association, or corporation, or other person under contract with the business, firm, partnership, association, or corporation does any of the following:
			a. shreds the record before the disposal of the record; or
			b. destroys the personal identifying information contained in the record; or
			c. modifies the record to make the personal identifying information unreadable; or
			d. takes actions consistent with commonly accepted industry practices that it reasonably believes will ensure that no unauthorized person will have access to the personal identifying information contained in the record."
North Carolina	N.C. Gen. Stat. § 75-64	Businesses Only	§ 75-64. Destruction of personal information records.
			(a) "Any business that conducts business in North Carolina and any business that maintains or otherwise possesses personal information of a resident of North Carolina must take reasonable measures to protect against unauthorized access to or use of the information in connection with or after its disposal.
			(b)The reasonable measures must include:
			(1) Implementing and monitoring compliance with policies and procedures that require the burning, pulverizing, or shredding of papers containing personal information so that information cannot be practicably read or reconstructed.
			(2) Implementing and monitoring compliance with policies and procedures that require the destruction or erasure of electronic media and other nonpaper media containing personal information so that the information cannot practicably be read or reconstructed.
			(3) Describing procedures relating to the adequate destruction or proper disposal of personal records as official policy in the writings of the business entity."
Oregon	Ore. Rev. Stat. § 646A.622,	Both	From the state website:
	updated for 2018		"Protect against any unauthorized access or use of the personal identifying information you maintain and no longer need by properly destroying it. Hard-copy records with sensitive information should be shred, burned, or pulverized. Any electronic records should be erased in such a way that they cannot be read or reconstructed."
Rhode Island	R.I. Gen. Laws § 6-52-2	Businesses Only	§ 6-52-2. Safe destruction of documents.
			"A business shall take reasonable steps to destroy or arrange for the destruction of a customer's personal information within its custody and control that is no longer to be retained by the business by shredding, erasing, or otherwise destroying and/or modifying the personal information in those records to make it unreadable or indecipherable through any means for the purpose of:
			(1) Ensuring the security and confidentiality of customer personal information;
			(2) Protecting against any reasonably foreseeable threats or hazards to the security or integrity of customer personal information; and
			(3) Protecting against unauthorized access to, or use of, customer personal information that could result in substantial harm or inconvenience to any customer."



State	Name of Law	Applies to gov't or businesses?	Excerpt
South Carolina	S.C. Code § 37-20-190, S.C. Code 30-2-310	Both	(C) "When a public body disposes of a record that contains personal identifying information of an individual, the body shall modify, by shredding, erasing, or other means, the personal identifying information to make it unreadable or undecipherable."
	Office of Technology and Information Services- State of South Carolina: Information Security and Privacy: Data Handling Guidelines		From the Office of Technology and Information Services State of South Carolina Information Security and Privacy Data Handling Guidelines V.1.0 (01.04.2018)
	<u> </u>		Disposal of Physical Electronic Media
			"This category applies to any electronic media, purchased or leased, that is ready for transfer either for an alternate use within the agency, for return to a lessor, or for disposal as surplus.
			The scope of this category is intended to apply to any electronic media on which data can be stored.
			Storage media may be a component of multifunction devices, scanners, printers and fax machines
			whether leased or owned by the agency. It may include devices such as, computers, magnetic hard
			drives, solid-state hard drives, flash memory cards and drives, printers, optical storage devices, cellular phones and handheld computing devices. Departments leasing equipment with data storage capabilities are encouraged to make sure all lease agreements include provisions about securely deleting or replacing device hard drives once the device is no longer in use at the agency (and before the device leaves the agency's property)."
Tennessee	2010 Tennessee Code: Title 39 - Criminal Offenses: Chapter 14 - Offenses Against Property: Part 1 - Theft: 39-14-150 - Identity theft victims' rights.	Businesses Only	(g)(1) "Notwithstanding any other provision of law to the contrary, if a private entity or business maintains a record that contains any of the personal identifying information set out in subdivision (g)(2) concerning one of its customers, and the entity, by law, practice or policy discards such records after a specified period of time, any record containing the personal identifying information shall not be discarded unless the business:
	Republished in 2017		(A) Shreds or burns the customer's record before discarding the record;
	Tennessee Code		(B) Erases the personal identifying information contained in the customer's record before discarding the record;
			(C) Modifies the customer's record to make the personal identifying information unreadable before discarding the record; or
			(D) Takes action to destroy the customer's personal identifying information in a manner that it reasonably believes will ensure that no unauthorized persons have access to the personal identifying information contained in the customer's record for the period of time between the record's disposal and the record's destruction.
Texas	Tex. Bus. & Com. Code § 72.004, § 521.052	Businesses Only	Sec. 521.052. BUSINESS DUTY TO PROTECT SENSITIVE PERSONAL INFORMATION. (a) "A business shall implement and maintain reasonable procedures, including taking any appropriate corrective action, to protect from unlawful use or disclosure any sensitive personal information collected or maintained by the business in the regular course of business.
			(b) A business shall destroy or arrange for the destruction of customer records containing sensitive personal information within the business's custody or control that are not to be retained by the business by:
			(1) shredding;
			(2) erasing; or
			(3) otherwise modifying the sensitive personal information in the records to make the information unreadable or indecipherable through any means.
			(c) This section does not apply to a financial institution as defined by 15 U.S.C. Section 6809.
			(d) As used in this section, "business" includes a nonprofit athletic or sports association."



State	Name of Law	Applies to gov't or businesses?	Excerpt
Utah	Utah Code § 13-44-201	Businesses Only	13-44-201. Protection of personal information.
			(1) "Any person who conducts business in the state and maintains personal information shall implement and maintain reasonable procedures to:
			(a) prevent unlawful use or disclosure of personal information collected or maintained in the regular course of business; and
			(b) destroy, or arrange for the destruction of, records containing personal information that are not to be retained by the person.
			(2) The destruction of records under Subsection (1)(b) shall be by:
			(a) shredding;
			(b) erasing; or
			(c) otherwise modifying the personal information to make the information indecipherable.
			(3) This section does not apply to a financial institution as defined by 15 U.S.C. Section 6809."
Vermont	9 V.S.A. § 2445	Businesses Only	(b) "A business shall take all reasonable steps to destroy or arrange for the destruction of a customer's records within its custody or control containing personal information which is no longer to be retained by the business by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or indecipherable through any means for the purpose of:
			(1) ensuring the security and confidentiality of customer personal information;
			(2) protecting against any anticipated threats or hazards to the security or integrity of customer personal information; and
			(3) protecting against unauthorized access to or use of customer personal information that could result in substantial harm or inconvenience to any customer."



State	Name of Law	Applies to gov't or businesses?	Excerpt
Washington	Wash. Rev. Code § 19.215.020	Both	RCW 19.215.020 Destruction of information—Liability—Exception—Civil action.
			(1) "An entity must take all reasonable steps to destroy, or arrange for the destruction of, personal financial and health information and personal identification numbers issued by government entities in an individual's records within its custody or control when the entity is disposing of records that it will no longer retain.
			(2) An entity is not liable under this section for records it has relinquished to the custody and control of the individual to whom the records pertain.
			(3) This subsection [section] does not apply to the disposal of records by a transfer of the records, not otherwise prohibited by law, to another entity, including a transfer to archive or otherwise preserve public records as required by law.
			(4) An individual injured by the failure of an entity to comply with subsection (1) of this section may bring a civil action in a court of competent jurisdiction. The court may:
			(a) If the failure to comply is due to negligence, award a penalty of two hundred dollars or actual damages, whichever is greater, and costs and reasonable attorneys' fees; and
			(b) If the failure to comply is willful, award a penalty of six hundred dollars or damages equal to three times actual damages, whichever is greater, and costs and reasonable attorneys' fees. However, treble damages may not exceed ten thousand dollars.
			(5) An individual having reason to believe that he or she may be injured by an act or failure to act that does not comply with subsection (1) of this section may apply to a court of competent jurisdiction to enjoin the act or failure to act. The court may grant an injunction with terms and conditions as the court may deem equitable.
			(6) The attorney general may bring a civil action in the name of the state for damages, injunctive relief, or both, against an entity that fails to comply with subsection (1) of this section. The court may award damages that are the same as those awarded to individual plaintiffs under subsection (4) of this section.
			(7) The rights and remedies provided under this section are in addition to any other rights or remedies provided by law."
Wisconsin	Wisc. Stat. § 134.97	Applies to financial institutions,	(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.
		medical businesses or tax preparation businesses.	"A financial institution, medical business or tax preparation business may not dispose of a record containing personal information unless the financial institution, medical business, tax preparation business or other person under contract with the financial institution, medical business or tax preparation business does any of the following:
			(a) Shreds the record before the disposal of the record.
			(b) Erases the personal information contained in the record before the disposal of the record.
			(c) Modifies the record to make the personal information unreadable before the disposal of the record.
			(d) Takes actions that it reasonably believes will ensure that no unauthorized person will have access to the personal information contained in the record for the period between the record's disposal and the record's destruction."

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