

NEW YORK AND DOJ INTRODUCE STRICTER DATA PRIVACY REQUIREMENTS

Recent updates to New York's data breach notification law and the U.S. Department of Justice's (DOJ) rule on sensitive data transfers highlight a growing focus on consumer protection and national security.

Publications

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New York Updates Data Breach Notification Law

New York has strengthened its data breach notification requirements with amendments signed into law by Governor Kathy Hochul. **Effective December 21, 2024**, businesses must:

- **notify** affected New York residents **within 30 days** of discovering a breach, replacing the previous, less defined standard. Exceptions apply if law enforcement determines that immediate disclosure could impede investigations.
- **notify the New York Department of Financial Services** (NYDFS) in the event of a breach, alongside the Attorney General, Department of State, and Division of State Police.

Starting March 25, 2025, the law also **broadens the definition of private information** to include medical data, such as an individual's health history or diagnoses, and health insurance details like policy numbers and claims records.

DOJ Rule on Sensitive Data Transfers

On a national level, the DOJ finalized a rule restricting the transfer of sensitive personal data to foreign adversaries, **effective April 8, 2025**. This rule **prohibits U.S. entities from sharing** bulk sensitive data with nations like China, Cuba, Iran, North Korea, Russia, and Venezuela, or a 'covered person' associated with these nations (including an entity that is majority-owned by a country of concern, organized under the laws of a country of concern, has its principle place of

business in a country of concern, or is an individual whose primary residence is in a county of concern). **Sensitive data** is broadly **defined** to include geolocation, biometric identifiers, genetic information, personal health data, and financial records, among other categories.

By October 6, 2025, businesses will also be required to implement due diligence and audit measures for restricted transactions to ensure compliance.

We are available to assist in reviewing your business' data breach response plans and international data transfer policies to ensure alignment with the new regulations.

Contacting Pavia & Harcourt LLP

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About Pavia & Harcourt LLP

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