

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2925

BY DELEGATES YOUNG, LINVILLE, PAYNTER, DEAN,

THOMPSON, AND GARCIA

[Introduced March 05, 2021; Referred to the Committee on
the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §46A-6-111, relating to providing for the destruction of customer records that
 3 contain personal information no longer needed by the business.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. GENERAL CONSUMER PROTECTION.

§46A-6-111. Destruction of consumer information, exception.

1 Unless otherwise required by federal law or regulation, a person or business shall take
 2 reasonable steps to destroy or arrange for the destruction of a customer’s records within its
 3 custody or control containing personal information which is no longer to be retained by the person
 4 or business by shredding, erasing or otherwise modifying the personal information in the records
 5 to make it unreadable or indecipherable.

6 Upon disposal, unless otherwise required by federal law, code of federal regulations, the
 7 Code of West Virginia, or the Code of State Rules, a person, business, or other entity in whose
 8 possession, custody, or control a customer’s records or other personally identifiable records
 9 reside shall take reasonable measures to render such information unreadable, indecipherable,
 10 and unrecoverable. This duty to render such information unreadable, indecipherable, and
 11 unrecoverable shall be considered satisfied if that information or documents containing such
 12 information is shredded, incinerated, wiped and overwritten in a manner consistent with federal
 13 practice or destroyed.

NOTE: The purpose of this bill is to provide for the destruction of customer’s records that contain personal information no longer needed by the business.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.