

## **CHAPTER 51-22**

### **DATA PROCESSING INFORMATION CONFIDENTIALITY**

#### **51-22-01. Definitions.** As used in this chapter:

1. "Business entity" means a sole proprietorship, partnership, corporation, limited liability company, association, or other group, however organized and whether or not organized to operate at a profit, doing business in this state.
2. "Data processing services" means any systematic sequence of operations, including but not limited to bookkeeping functions, inventory control, storage, or manipulation and retrieval of management or personnel information, performed upon data by electronic devices which perform logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. The term does not include operations performed by telecommunication devices.
3. "Individual" means a natural person.
4. "Person" means any natural person, corporation, limited liability company, partnership, firm, association, or governmental entity.
5. "Record" means any item, collection, or grouping of information about an individual or business entity.

#### **51-22-02. Prohibition against disclosure except upon written consent - Application of section.**

1. No business entity which charges a fee for data processing services performed may disclose in whole or in part the contents of any record, including the disclosure of information contained in the record through inclusion in any composite of information, which is prepared or maintained by such business entity to any person, other than the individual or business entity which is the subject of the record, without the express written consent of such individual or business entity.
2. This section does not apply to the following:
  - a. A disclosure to any person pursuant to a subpoena or court order.
  - b. A disclosure which is discoverable pursuant to the North Dakota Rules of Civil Procedure.
  - c. A disclosure to any person pursuant to a lawful search warrant.

#### **51-22-03. Initiation of civil action - Liability for damages - Limitation.**

1. A person may initiate a civil action against a business entity in accordance with state law whenever a business entity violates the provisions of section 51-22-02.
2. In any suit brought pursuant to the provisions of subsection 1, a business entity which has violated section 51-22-02 is liable to the person in an amount equal to the actual damages sustained by the person as a result of such violation, but in no case less than five hundred dollars.
3. An action to enforce any liability created under this chapter may be brought in any court of competent jurisdiction within two years from the date on which the claim for relief arose.