

APPENDIX A :  
CONSTITUTIONAL PROVISION

U.S. CONST. amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## APPENDIX A :

### CONSTITUTIONAL PROVISION

#### U.S. CONST. amend. IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

APPENDIX A :  
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U.S. CONST. amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

APPENDIX A :  
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U.S. CONST. amend. IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

APPENDIX A :  
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U.S. CONST. amend. XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of

President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## APPENDIX B :

### Federal R. Civ. P., Rule 56 (c)

#### **Rule 56: Summary Judgment**

##### (c) Motion and Proceedings Thereon.

The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

## APPENDIX C :

### Restatement (Second) of Torts § 652B

One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.

## APPENDIX D :

### 17 Marshall Code § 105 Data Protection Act

#### § 105 Disclosure of Breach

- (a) Any agency that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of Marshall whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedite time possible and without unreasonable delay, consistent with the legitimate need of law enforcement , as provided in sub division (c), or any measure necessary to determine the scope of the breach and restore the reasonable integrity of the data system
- (b) Any agency that maintains computerized data that includes personal information that the agency does not own shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been acquired by an unauthorized person
- (c) The notification required by the section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. However, the data collector must notify the Marshall resident as soon as notification will no longer interfere with the investigation.

(d) For purposes of this section, “breach of the security of the system” means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the agency. Good faith acquisition of personal information by an employee or agent of the agency is not a breach of the security of the system, provided that the personal information is used for the purposes designated by the agency and/or is not subject to further unauthorized disclosure.

(e) For purposes of this Section, notice to consumers may be provided by one of the following methods:

- 1) Written Notice:
- 2) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures of notices legally required to be in writing as said forth in Section 7001 of Title 15 of the United State Code; or
- 3) Substitute notice if the data collector demonstrates that the costs of providing notice would exceed \$ 250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the data collector does not have sufficient contact information. Substitute notice shall consists of all of the following: (i) email notice if the data collector has an email address for the subject persons;(ii) conspicuous posting of the notice on the data collector’s website page if the data collector maintains one; and (iii) notifications to major statewide media.

(f) Notwithstanding subsection (c), a data collector that maintains its own notification procedures as part of an information security policy for the treatment of personal information as is otherwise consistent with the timing requirements of this act, shall be deemed in compliance with the notification requirements of this Section if the data collector notifies subject persons in accordance with its policies in the event of a breach of the security of the system data

(g) Any and all data subjects within the State of Marshall shall have a civil action against any data collector that obfuscates evidence of a breach or makes an informed choice to not inform data subjects of a breach. Remedies available shall include:

- 1) Monetary damages not to exceed \$ 100,000 per plaintiff. In the case of class action monetary damages are not to exceed \$ 20,000,000.
- 2) Injunctive relief, as appropriate, to prevent further dissemination of the effected data.
- 3) Punitive damages not to exceed \$30,00,00 for a deliberate and malicious violation of this subsection.