

367.3627 Enforcement authority of Attorney General -- Written notice of violation -- Civil action -- Damages -- Recovery of expenses. (Effective January 1, 2026)

- (1) The Attorney General shall have exclusive authority to enforce violations of KRS 367.3611 to 367.3629. The Attorney General may enforce KRS 367.3611 to 367.3629 by bringing an action in the name of the Commonwealth of Kentucky or on behalf of persons residing in this Commonwealth. The Attorney General shall have all powers and duties granted to the Attorney General under KRS Chapter 15 to investigate and prosecute any violation of KRS 367.3611 to 367.3629. The Attorney General may demand any information, documentary material, or physical evidence from any controller or processor believed to be engaged in, or about to engage in, any violation of KRS 367.3611 to 367.3629.
- (2) Prior to initiating any action for violation of KRS 367.3611 to 367.3629, the Attorney General shall provide a controller or processor thirty (30) days' written notice identifying the specific provisions of KRS 367.3611 to 367.3629, the Attorney General alleges have been or are being violated. If within the thirty (30) days the controller or processor cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no further violations shall occur, no action for damages under subsection (3) of this section shall be initiated against the controller or processor.
- (3) If a controller or processor continues to violate KRS 367.3611 to 367.3629 following the cure period in subsection (2) of this section or breaches an express written statement provided to the Attorney General under subsection (2) of this section, the Attorney General may initiate an action and seek damages for up to seven thousand five hundred dollars (\$7,500) for each continued violation under KRS 367.3611 to 367.3629.
- (4) Nothing in KRS 367.3611 to 367.3629 or any other law, regulation, or the equivalent shall be construed as providing the basis for, or give rise to, a private right of action for violations of KRS 367.3611 to 367.3629.
- (5) The Attorney General may recover reasonable expenses incurred in investigating and preparing the case, court costs, attorney's fees, and any other relief ordered by the court of any action initiated under KRS 367.3611 to 367.3629.

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History: Created 2024 Ky. Acts ch. 72, sec. 9, effective January 1, 2026.