

## Town/Village of \_\_\_\_\_ Citizens' Notification Policy

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- A. The purpose of this policy is to establish standards and practices for the notification of citizens in the event of compromise in the safeguarding of private information.
- B. Definitions:
- a. Consumer Reporting Agency: Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state attorney general is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.
  - b. Data: Any information created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to personally identifying information, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.
  - c. Information: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.
  - d. Personal Information: Any information concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.
  - e. Private Information: Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
    1. social security number; or
    2. driver's license number or non-driver identification card number; or
    3. account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.
  - f. Third Party: Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc
- C. This policy is consistent with the State Technology Law, section 208 as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to impacted New York residents and non-residents. The Town/Village of \_\_\_\_\_ values the protection of private information of individuals. The Town/Village of \_\_\_\_\_, in compliance with the Information Security Breach and Notification Act and this policy, is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information
- D. The Town/Village of \_\_\_\_\_, after consulting with the New York State Office of Cyber Security & Critical Infrastructure Coordination (hereinafter CSCIC) to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of private information through unauthorized disclosure.
- E. A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.
- F. If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.

G. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.

H. The Town/Village of \_\_\_\_\_ will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:

- a. written notice;
- b. electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Town/Village of \_\_\_\_\_ ;
- c. telephone notification, provided that a log of each such notification is kept by the Town/Village of \_\_\_\_\_ ; or
- d. Substitute notice, if the Town/Village of \_\_\_\_\_ demonstrates to the state attorney general that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the Town/Village of \_\_\_\_\_ does not have sufficient contact information.

Substitute notice shall consist of all of the following:

1. e-mail notice when the Town/Village of \_\_\_\_\_ has an e-mail address for the subject persons;
2. conspicuous posting of the notice on the Town/Village of \_\_\_\_\_ web site page, if the town/village maintains one; and
3. notification to major statewide media.

I. The Town/Village of \_\_\_\_\_ shall notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.

J. The Town/Village of \_\_\_\_\_ shall notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.

K. Regardless of the method by which notice is provided, such notice shall include contact information for the Town/Village of \_\_\_\_\_, and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

L. This Policy also applies to information maintained on behalf of the Town/Village of \_\_\_\_\_ by a third party.

M. When more than five thousand New York residents are to be notified at one time, then the Town/Village of \_\_\_\_\_ shall notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

N. This policy and supporting policies and standards will be reviewed at a minimum on an annual basis.

Adopted by resolution of the Town/Village of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2006