

TOWN OF BEEKMAN

Information and Security Breach Notification Policy



Adopted July 16, 2014

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. New York State and the Town of Beekman value the protection of *private information* of individuals. The *Town of Beekman* ("Town") 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* in compliance with the Information Security Breach and Notification Act.

The *Town*, after consulting with the Town's Information Technology Consultant and the New York State Office of Cyber Security and Critical Infrastructure Coordination ("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.

A compromise of *private information*:

Private information is defined by New York State as "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:

- Social Security number; or
- Driver's license number or non-driver's identification card number; or
- 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." Private Information shall mean the unauthorized acquisition of unencrypted computerized *data* with private information.

If encrypted *data* is compromised along with the corresponding encryption key, the *data* shall be considered unencrypted and thus fall under the notification requirements.

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

The *Town* will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:

- Written notice sent via First Class Mail;
- 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* who notifies affected persons in such form;
- Telephone notification provided that a log of each such notification is kept by the *Town* who notifies affected persons; or
- Substitute notice, if the *Town* demonstrates to the New York 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* does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - E-mail notice when the *Town* has an e-mail address for the subject persons;
 - Conspicuous posting of the notice on the *Town's* web site page, if the *Town* maintains one; and
 - Notification to major statewide media.

The *Town* shall notify, CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.

The *Town* shall notify the New York State Attorney General and the New York State 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.

Regardless of the method by which notice is provided, such notice shall include contact *information* for the *Town* making the notification 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* Personal Information and *private information* Private Information were, or are reasonably believed to have been, so acquired.

This Policy also applies to *information* maintained on behalf of the *Town* by a *third party*.

When more than five thousand New York residents are to be notified at one time, then the *Town* 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.

Employee Acknowledgement:

I have read and have been informed about the content, requirements, and expectations of the Town of Beekman Information and Security Breach Notification Policy. I have received a copy of the policy and agree to abide by the policy guidelines as a condition of my employment and my continuing employment at the Town of Beekman.

I understand that if I have questions, at any time, regarding this policy, I will consult with the Town Supervisor.

Please read the Town of Beekman Information and Security Breach Notification Policy carefully to ensure that you understand the policy before signing this document.

Employee Signature: _____

Employee Printed Name: _____

Date: _____

Vendor and/or Consultant Acknowledgement:

I have read and have been informed about the content, requirements, and expectations of the Town of Beekman Information and Security Breach Notification Policy. I have received a copy of the policy and agree to abide by the policy guidelines as a condition of my business relationship with the Town.

I understand that if I have questions, at any time, regarding this policy, I will consult with the Supervisor and Comptroller, ISO or any Town Board member.

Please read the Town of Beekman Information and Security Breach Notification Policy carefully to ensure that you understand the policy before signing this document.

Business Name: _____

Authorized Representative: _____

Date: _____

This copy is for your files.

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Employee Signature: _____

Employee Printed Name: _____

Date: _____

Vendor and/or Consultant Acknowledgement:

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Business Name: _____

Authorized Representative: _____

Date: _____

The completed and signed form should be returned to the Town Supervisor or Comptroller.