

## Chapter 25

### CUBER SECURITY CITIZENS' NOTIFICATION POLICY

#### § 25-1. Notification Policy.

**[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 3-27-2006. Amendments noted where applicable.]**

#### § 25-1. Notification Policy.

- A. This policy is consistent with the State Technology Law § 208 as added by Chapter's 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of private information of individuals. The Village of Lansing 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 and this policy.
- B. The municipality, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual's private information through unauthorized disclosure.
- C. A compromise of private information means the unauthorized acquisition of unencrypted data with private information.
- D. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- E. 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.
- F. The municipality will notify the affected individual directly by one of the following methods:
  - (1) Written notice;
  - (2) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form;
  - (3) Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
  - (4) Substitute notice, if the municipality demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000 or that the affected class of persons to be notified exceeds 5,000, or the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:
    - a. E-mail notice when the municipality has an e-mail address for the subject persons;
    - b. Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and
    - c. Notification to major statewide media.
- G. The municipality must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The municipality must 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.
- I. Regardless of the method by which notice is provided, the notice must include contact information for the municipality 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 and private information were, or are reasonably believed to have been, so acquired.

J. This policy also applies to information maintained on behalf of the municipality by a third party.

K. When more than 5,000 New York residents must be notified at one time, then the municipality must 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.

## Definitions

**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.

**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.

**Information:** The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

**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.

**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.

**Third Party:** Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc.