

INFORMATION SECURITY BREACH AND NOTIFICATION POLICY

I. Purpose. This policy provides the method for notification of an unauthorized disclosure of Private Information. This policy is intended to be consistent with the goals and purposes of the NYS Technology Law.

II. Definitions.

A. “Personal Information” shall be consistent with the definition used in NYS Technology Law §202, as may be amended, and shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

B. “Private Information” shall be consistent with the definition used in NYS Technology Law §208, as may be amended, and shall mean Personal Information in combination with any 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.
2. Driver’s license or non-driver identification card number.
3. Account number, credit card number or debit card number, in combination with any required security code, access code, or password which would permit access to a person’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.

III. Breach of the security of Private Information. In determining whether Private Information has been disclosed to an unauthorized person, the Town may consider, but is not limited to, the following factors:

A. Private Information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing private information; or

B. Private Information has been downloaded or copied; or

- C. Private Information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

IV. Notification of breach of Private Information. The Town shall notify an affected person when it has been determined that there has been, or is reasonably believed to have been, a compromise of Private Information by an unauthorized disclosure. The disclosure shall be made in the most expedient time possible. Notification may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after such law enforcement agency determines that such notification does not compromise such investigation.

V. Method of Notification. The required notification shall be provided to an affected person 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 notice in electronic form and a log of each such notification is kept by the Town employee or agent who provided the notice;
- C. Telephone notice provided that a log of each such notification is kept by the Town employee who provided the notice; or
- D. 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 (\$250,000.00), or that the affected class of subject persons to be notified exceeds five hundred thousand (500,000), or the Town does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - 1. E-mail notice when the Town has an e-mail address for the subject persons;
 - 2. Conspicuous posting of the notice on the Town's web site page; and
 - 3. Notification to major statewide media.
- E. Regardless of the method by which notice is provided, such notice shall include contact information for the Town and a description of the categories of Private 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 Private Information were, or are reasonably believed to have been, so acquired.

- F. In the event that any New York residents are to be notified, the Town shall notify the New York State Attorney General and the Consumer Protection Board as to the timing, content and distribution of the notices and approximate number of affected persons.
- G. In the event that more than five thousand (5,000) New York residents are to be notified at one time, the Town shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. This notice shall be made without delaying notice to affected persons.