TOWN OF BRIGHTON
FRANKLIN COUNTY
PO BOX 260
PAUL SMITHS, NEW YORK 12970

COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY

1. **PURPOSE:** This Computer System Security Breach Notification Policy is intended to alert individuals to any potential identity theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security breach. This Policy is consistent with and adopted pursuant to New York State Technology Law Section 208.

2. **DEFINITIONS:** The following terms have the following meanings:
   a. "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

      In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factor, amount others:
      i. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
      ii. Indication that the information has been downloaded or copied; or
      iii. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.
   b. "Consumer reporting agency" means any person or entity 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 or interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies may be obtained upon request to the State Attorney General.
   c. "Department" means any board, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town .
   d. "Personal information" means any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.
   e. "Private information" means 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:

i. Social security number;
ii. Driver's license number or non-driver identification care number; or
iii. 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.
iv. "Private information" does not include publicly available information that is lawfully made available to the general public from Town records.

f. "Town" means the Town of Brighton, County of Franklin, State of New York

3. **DISCLOSURE OF BREACH TO AFFECTED PERSONS:** Any Town Department or Contractor that owns or licenses computerized data that includes private information must disclose any breach of the security of the system to any individual whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in paragraph 5 below, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The Town shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination to determine eth scope of the breach and restoration measures.

4. **DISCLOSURE OF BREACH TO OWNER OR LICENSEE:** If the Town maintains computerized data that includes private information which the Town does not own, the Town must notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

5. **PERMITTED DELAY**: Notification pursuant to this Policy may be delayed if a law enforcement agency determines that notification could impede a criminal investigation. The notification must be made after the law enforcement agency determines that notification would not compromise any criminal investigation.

6. **METHOD OF NOTIFICATION:** The required notice must be directly provided to the affected individuals by one of the following:
   a. Written Notice
   b. Electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
   c. Telephone notification, provided that a log of each telephone notification is kept by the Town,
   d. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000 or that the number of individuals

to be notified exceeds 500,000 or the Town does not have sufficient contact information. Substitute notice must include all of the following:

i. Email notice, when the Town has an e-mail address for the subject persons
ii. Conspicuous posting of the notice on the Town's website page, if the Town maintains one; and
iii. Notification to major statewide media

7. **INFORMATION REQUIRED:** Regardless of the method by which notice is provided, the notice must include contact information for the Town 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, acquired.

8. **NOTIFICATION OF AGENCIES:**
   a. Whenever any New York State residents are to be notified pursuant to this Policy, the Town must notify the State Attorney General, the Consumer Protection Board and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.
   b. Whenever more than 5,000 New York State residents are to be notified at one time, the Town must also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF BRIGHTON July 12, 2012