

# The Incorporated Village of Ocean Beach

## Cyber Security Citizens' Notification Policy

- A. This policy is consistent with the State Technology Law, § 208 as added by Chapters 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 Ocean Beach 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 Village, 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 computerized *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 Village 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 Village demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds \$500,000, or that the Village does not have sufficient contact information. The following constitute sufficient substitute notice:
    - a. E-mail notice when the Village has an e-mail address for the subject person(s);
    - b. Conspicuous posting of the notice on the Village's web site page,

- c. if the Village maintains one; and  
Notification to major statewide media.
- G. The Village must notify, CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The Village 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 Village 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 Village by a *third party*.
- K. When more than 5,000 New York residents must be notified at one time, then the Village 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 Village.

**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 communications, 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.

This Policy was adopted by Resolution of the Village of Ocean Beach's Board of Trustees on March 25, 2006.