

Town of Galen

Cyber Security Citizens' Notification Policy

- A. This policy is consistent with the State Technology Law, section 208 as added by Chapters 442 and 491 of the laws of 2005. Section 208 requires all state entities 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. "Private information" shall mean 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;
 - (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.

- C. A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.
- D. If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.
- E. The Town of Galen, after consulting with the state office of cyber security and critical infrastructure coordination 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.
- F. 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.
- G. The Town of Galen will notify the affected individual. Such notice shall be directly provided to the affected persons by one of the following methods:
- Written notice;
 - 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 of Galen who notifies affected persons in such form;
 - Telephone notification provided that a log of each such notification is kept by the Town of Galen who notifies affected persons; or
 - Substitute notice, if the Town of Galen demonstrates to the 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

of Galen does not have sufficient contact information. Substitute notice shall consist of all the following:

- Email notice when the Town of Galen has an email address for the subject persons;
 - Conspicuous posting of the notice on the Town of Galen's web site page, if the Town of Galen maintains one; and
 - Notification to major statewide media.
- H. Regardless of the method by which notice is provided, such notice shall include contact information for the Town of Galen 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.
- I. In the event that any New York residents are to be notified, the Town of Galen shall 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 approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.
- J. This policy also applies to information maintained on behalf of the Town of Galen by a third party.
- K. When more than five thousand New York residents are to be notified at one time, then the Town of Galen shall notify the consumer reporting agencies, as that term is defined in the State Technologies Law, Section 208, 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.