

City of Saratoga Springs

IV. CYBER SECURITY BREACH NOTIFICATION

Office of Finance

Adopted August 7, 2012
Updated June 18, 2013

IV. CYBER SECURITY BREACH NOTIFICATION

The City of Saratoga Springs values the protection of private information of individuals. The City of Saratoga Springs 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. This policy is consistent with the State Technology Law, section 208, as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to impacted New York residents and non-residents.

1. The City of Saratoga Springs, after consulting with Cyber Security and Critical Infrastructure Coordination ("CSCIC") 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.

"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:

- social security number;
- driver's license number or non-driver identification card number;
- or 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.
- birthdate

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

2. A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.
3. If encrypted data is compromised along with the corresponding encryption key, the data shall be considered unencrypted and thus fall under the notification requirements.
4. 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.
5. The City of Saratoga Springs 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 City of Saratoga Springs personnel who notifies affected persons in such form;
 - Telephone notification provided that a log of each such notification is kept by the City of Saratoga Springs personnel who notifies affected persons; or
 - Substitute notice, if the City of Saratoga Springs 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 City of Saratoga Springs does not have sufficient contact information. Substitute notice shall consist of all the following:
 - A. E-mail notice when the City of Saratoga Springs has an e-mail address for the subject persons
 - B. conspicuous posting of the notice on the City of Saratoga Springs's web site page, if the City of Saratoga Springs maintains one; and
 - C. notification to major statewide media
6. The City of Saratoga Springs shall notify CSCIC as to the timing, content, and distribution of the notices and approximate number of affected persons.
 7. The City of Saratoga Springs shall 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.
 8. Regardless of the method by which notice is provided, such notice shall include contact information for the City of Saratoga Springs personnel 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.
 9. This policy also applies to information maintained on behalf of the City of Saratoga Springs by a third party. In the event of a breach of information being stored by a 3rd party, the City will coordinate with the 3rd party to make sure that notice is being provided in compliance with this policy.
 10. When more than five thousand New York residents are to be notified at one time, the City of Saratoga Springs shall 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.