

Authorizing The Adoption Of An Ulster County Cyber Security Citizen's Notification Policy

The Administrative Services Committee (Chairman R.S. Parete and Legislators Bischoff, Cahill, Kraft, Stoeckeler, Aiello and Every) offers the following:

WHEREAS, Chapter 442 of the 2005 Session Laws require the County to adopt an information security breach and notification policy in accordance with said statute on or before April 1, 2006.

RESOLVED, that the following policy is hereby adopted by Ulster County

Ulster County 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. This policy requires notification to impacted New York residents and non-residents. Ulster County values the protection of *private information* of individuals. Ulster County 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. Ulster County, 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.
- 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. 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.

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- F. *Ulster County* 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 shall be kept by Ulster County;
 - telephone notification provided that a log of each such notification is kept by Ulster County; or
 - Substitute notice, if Ulster County demonstrates to the State Attorney General that the cost of providing notice would exceed \$2,500.00 (Two Thousand and Five Hundred Dollars), or that the affected class of subject persons to be notified exceeds \$5,000.00 (Five Thousand Dollars), or Ulster County does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - e-mail notice when Ulster County has an e-mail address for the subject persons;
 - conspicuous posting of the notice on Ulster County's web site page; and
 - notification to major statewide media.
- G. Ulster County shall notify, CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. Ulster County 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.
- I. Regardless of the method by which notice is provided, such notice shall include contact *information* for Ulster County 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 Ulster County by a *third party*.

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K. When more than five thousand New York residents are to be notified at one time, then Ulster County 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,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0
(Absent: Legislators Aiello and Sheeley)

FINANCIAL IMPACT:
NOT TO EXCEED \$5,000.00

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