

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

FILED
STATE RECORDS

MAY 15 2015

of LaFayette

DEPARTMENT OF STATE

Local Law No. 2 of the year 2015

A Local Law to Enact the Town of LaFayette Computer System Security Breach Notification Policy

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of LaFayette as follows:

**LOCAL LAW NO. 2-2015
TOWN OF LAFAYETTE**

**A LOCAL LAW TO ENACT THE TOWN OF LAFAYETTE
COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY**

Be it enacted by the Town of LaFayette Town Board, as follows:

SECTION 1. TITLE.

This law shall be known as the "Town of LaFayette Computer System Security Breach Notification Policy."

SECTION 2. LEGISLATIVE INTENT.

This Computer System Security Breach Notification Policy is intended to establish procedures to follow in the event a person(s) has acquired without valid authorization, private information of individuals from the records of the Town of LaFayette and to alert said individuals to any potential identify 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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SECTION 3. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law §10 and New York Technology Law §208.

SECTION 4. DEFINITIONS.

BREACH OF SECURITY OF THE SYSTEM - 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 factors, among others:

1. 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
2. indications that the information has been downloaded or copied; or
3. indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

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 of 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.

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.

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.

PRIVATE INFORMATION - means personal information in combination with any one or more of the following data elements, when either the personal

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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 Town records.

TOWN - means the Town of LaFayette, County of Onondaga.

SECTION 5. DISCLOSURE OF BREACH TO AFFECTED PERSONS.

Any Town Department 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 Section 7 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 the scope of the breach and restoration measures.

SECTION 6. 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.

SECTION 7. 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.

SECTION 8. METHOD OF NOTIFICATION.

The required notice must be directly provided to the affected individuals by one of the following methods:

1. written notice;

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2. 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;
3. telephone notification, provided that a log of each telephone notification is kept by the Town; or
4. 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:
 - a. e-mail notice, when the Town has an e-mail address for the subject persons;
 - b. conspicuous posting of the notice on the Town's Website page, if the Town maintains one; and
 - c. notification to major state-wide media.

SECTION 9. 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 were, or are reasonably believed to have been, acquired.

SECTION 10. NOTIFICATION OF AGENCIES.

1. 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.

2. 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.

SECTION 11. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not

affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 12. **EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the Town of LaFayette was duly passed by the Town Board on May 11, 2015, in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sullivan was duly passed by the Town Board on ____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board and was deemed duly adopted on ____, 20__, in accordance with the applicable provisions of law.~~

3. **(Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sullivan was duly passed by the Town Board on ____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board on ____, 20__.

~~Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on ____, 20__, in accordance with the applicable provisions of law.~~

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the Town of Sullivan was duly passed by the Town Board on ____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board on ____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ____, 20__, in accordance with the applicable provisions of law.~~

5. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ____, 20__, became operative.

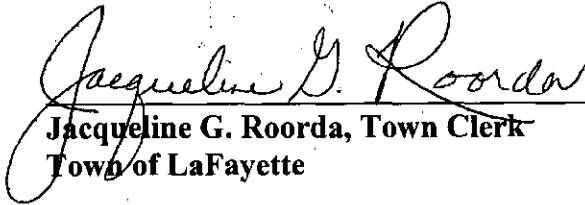
6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Jacqueline G. Roorda, Town Clerk
Town of LaFayette

(Seal)

Date: May 11, 2015