



Town of Corning Cybersecurity Citizens' Notification Policy

I. PURPOSE

The Town of Corning's (the "Town") has adopted this policy to be consistent with Technology Law §208. This policy requires notification to affected New York State residents and nonresidents. The Town of Corning is required to notify an individual when there has been or is reasonably believed to have been a compromise in the individual's private information, in compliance with the applicable provisions of the State Technology Law and this policy.

II. NOTIFICATION REQUIREMENTS

- A. The Town, after consulting with the [State Office of Cyber Security and Critical Infrastructure Coordination \(CSCIC\)](#) to determine the scope of the breach and restoration measures, is required to 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.
- B. A compromise of private information means the unauthorized acquisition of unencrypted computerized data with private information.
- C. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- D. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such cases, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- E. The Town will notify the affected individual directly by one or more of the following methods:
 - a. Written notices
 - b. 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 Town that notifies affected persons in such form;
 - c. Telephone notification, provided that a log of each notification is kept by the Town that notifies affected persons; or
 - d. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 that the affected class of person to be notified exceeds 500,000, or that the Town does not have sufficient contact information. The following constitutes sufficient substitute notice:
 - i. Email notice when the Town has an email address for the subject persons;
 - ii. Conspicuous posting of the notice of the Town's website page,
 - e. Notification to major statewide media.
- F. The Town will notify the CSCIC as to the timing, content, and distribution of notices and approximate number of affected persons.
- G. The Town will notify the Attorney General and the Consumer Protection Board, whenever notification to a New York State resident is necessary, as to the timing, content,

and distribution 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.

- H. This Policy also applies to information maintained on behalf of the Town by a third party.
- I. 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 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.

III. DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated:

A. CONSUMER REPORTING AGENCY

Any person or entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engage 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 this list to the Town.

B. 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.

C. INFORMATION

The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

D. 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.

E. 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 been acquired: Social Security number, or driver's license number or nondriver 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. The term "private information": does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

F. THIRD-PARTY

Any person or entity which is not a municipal employee, such as a contractor, vendor, consultant, volunteer, intern, other municipality, etc.