



Town of Thurston Breach Notification Policy

1. Purpose

This policy is consistent with the State Technology Law § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and nonresidents. New York State values the protection of private information of individuals. The Town of Thurston is required to notify an individual when data which is maintained by the town and contains the individual's private information, has been, or is reasonably believed to have been, compromised.

2. When notification is required.

The municipality, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures of its compromised data, must 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.

3. "Compromise of private information" defined.

A compromise of private information means the unauthorized acquisition of unencrypted computerized data with private information.

4. Applicability to encrypted data.

If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.

5. Delay of notification.

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.

6. Method of notification.

The town will notify the affected individual directly by one of the following methods:

- a) Written notice;
- 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 municipality that notifies affected persons in such form;
- c) Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
- d) Substitute notice, if the municipality demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information.

7. The following constitute sufficient notice:

- a) E-mail notice when the municipality has an e-mail address for the subject persons;
- b) Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and
- c) Notification to major statewide media.

8. Notification of CSCIC.

The town must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.

9. Notification of Attorney General and Consumer Protection Board.

The town must 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.

10. Contents of notification.

Regardless of the method by which notice is provided, the notice must include contact information for the town 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.

11. Applicability to third-party information.

This policy applies not only to information maintained by the town itself, but also to information maintained on behalf of the town by a third party.

12. Notification of consumer reporting agencies.

When more than 5,000 New York residents must be notified at one time, then the town must 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.

13. Annual Review

The town board shall annually review, at its Organizational Meeting, and, when needed, update this policy and procedures.

14. Resolution

Adopted on 1/3/2024 by a _____ vote of the governing board of the Town of Thurston.

Roll Call:

Michael Volino	_____
Holly Chase	_____
Noel Sylvester	_____
Dan Gee	_____
Jen Hargrave	_____