

Information Security Breach and Notification

NOTE: Recognizing the rise in identify theft and the need for state residents to be notified of security breaches which have or may have resulted in the release of personal, private information, the State enacted the Information Security Breach and Notification Act.

This Act, which added a new section 208 to the State Technology Law, requires municipalities and other local agencies, including school districts and BOCES, to adopt a notification policy consistent with the requirements of law. The following policy and attendant regulations are meant to fulfill those notice requirements.

The Board of Education acknowledges the State's concern regarding the rise in identity theft and the need for prompt notification when security breaches occur. To this end, the Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, "private information" does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;
- Include procedures to identify any breaches of security that result in the release of private information; and
- Include procedures to notify persons affected by the security breach as required by law.

NOTE: Although not required by law, it may be appropriate for both the Superintendent and the Board to be notified when security breaches occur. It should be noted, however, that good faith acquisition of personal information by an officer or employee or agent of the district for the purposes of the district is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

Any breach of the district's computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district shall be promptly reported to the Superintendent and the Board of Education.