

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF
INFORMATION**

Chapter 56, SECURITY BREACHES OF INFORMATION

[HISTORY: Adopted by the Village Board of the Town of Horseheads 6-8-2006 by L.L. No. 3-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Records -- See Ch. 186.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF
INFORMATION / § 56-1. Legislative findings.**

§ 56-1. Legislative findings.

The Village of Horseheads Board of Trustees finds that identity theft and security breaches are affecting local residents and others. The New York State Legislature and Governor enacted legislation mandating the establishment of a breach notification procedure to prevent injury to residents and afford an opportunity for repair of damages resultant from a breach.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF
INFORMATION / § 56-2. Definitions.**

§ 56-2. Definitions.

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

PRIVATE INFORMATION, BREACH OF SECURITY OF THE SYSTEM and CONSUMER REPORTING AGENCY -- Have the same meanings as provided in State Technology Law § 208, as amended from time to time, except that where the word "state" is used, it shall be interchanged with the word "Village" as the context of this chapter will require.

VILLAGE -- The Village of Horseheads, New York.

VILLAGE ENTITY -- Any Village board, bureau, division, committee, commission, council,

department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Village of Horseheads except the judiciary.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF INFORMATION / § 56-3. Disclosure of security breaches.

§ 56-3. Disclosure of security breaches.

Any Village entity that owns or licenses computerized data that includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of New York State whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in § 56-5 of this chapter, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF INFORMATION / § 56-4. Disclosure of security breach to information owner.

§ 56-4. Disclosure of security breach to information owner.

Any Village entity that maintains computerized data that includes private information which such entity does not own shall 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.

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§ 56-5. Notification delay.

The notification required by this chapter may be delayed if a chapter enforcement agency determines that such notification impedes a criminal investigation. The notification required by this chapter shall be made after such law enforcement agency determines that such notification

does not compromise such investigation.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF
INFORMATION / § 56-6. Notice.**

§ 56-6. Notice.

The notice required by this chapter shall be directly provided to the affected persons 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 said notice in electronic form and a log of each such notification is kept by the Village entity who notifies affected persons in such form; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction.
- C. Substitute notice. If a Village entity demonstrates to the New York State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds \$500,000, or such entity does not have sufficient contact information, substitute notice shall consist of all of the following:
 - (1) E-mail notice when such Village entity has an e-mail address for the subject persons;
 - (2) Conspicuous posting of the notice on such Village entity's web site page, if such entity maintains one; and
 - (3) Notification to major statewide media.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF
INFORMATION / § 56-7. Contents of notice.**

§ 56-7. Contents of notice.

Regardless of the method by which notice is provided, such notice shall include contact information for the person or business 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.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART I ADMINISTRATIVE LEGISLATION / Chapter 56, SECURITY BREACHES OF
INFORMATION / § 56-8. Notice to state officials and agencies.**

§ 56-8. Notice to state officials and agencies.

- A. In the event that any New York residents are to be notified at one time, the person or business shall notify the NYS 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 approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.
- B. In the event that more than 5,000 New York residents are to be notified at one time, the person or business shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.