

# FACTSHEET FOR BUSINESS

## NYS Security Breach Law N.Y. Gen. Bus. Law. Section 899-aa

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### WHAT IS THE LAW?

*The information Security Breach and Notification Act.*

### WHOM DOES THE LAW COVER?

*Any person or business conducting business in New York State.*

### WHAT DOES THE LAW COVER?

*Computerized personal information that contains a combination of name, Social Security number, driver's license number, account number, or credit and debit card number.*

### WHAT INFORMATION IS NOT COVERED UNDER THIS LAW?

*Publicly available information from federal, State and local government records.*

### WHEN IS THE LAW TRIGGERED?

*When a person has acquired computerized data containing personal information without valid authorization.*

### HOW DOES MY BUSINESS DETERMINE THAT INFORMATION HAS BEEN ACQUIRED WITHOUT VALID AUTHORIZATION?

*Your business should look for any one of the following: (1) that information is in the physical possession and control of an unauthorized person such as a lost or stolen computer or other device; (2) evidence of download or copied information; (3) evidence of unauthorized use of the information.*

*Good faith acquisition of personal information for a business purpose does not trigger provision of the law so long as the information is not used or subject to unauthorized disclosure.*



**New York State  
Consumer Protection Board**  
*Advocating for And Empowering NY Consumers*  
**1-800-697-1220**  
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### WHEN DOES MY BUSINESS NEED TO DISCLOSE A DATA BREACH?

*The disclosure must be made in the most expedient time possible and without unreasonable delay upon determination of a data breach. However, law enforcement may require that you delay notification of a data breach if they believe that its disclosure will impede a criminal investigation. Your business should consult law enforcement when appropriate.*

### HOW DOES MY BUSINESS DISCLOSE THAT THERE HAS BEEN A DATA BREACH TO NEW YORK RESIDENTS?

*Notification can be made by any one of the following methods: written, electronic (but only with consent of the person you are notifying) or by telephone.*

*A business could also use substitute notice, if it can demonstrate to the New York State Attorney General that the cost of providing notice would exceed \$250,000 or that the affected class of people to be notified exceeds 500,000 persons. You may also use substitute notice if you do not have sufficient contact information for those who have been affected.*

*Substitute notice consists of all of the following: e-mail (when you have this information), conspicuous posting on your website, and notification to major statewide media.*

### WHAT INFORMATION MUST BE CONTAINED IN THE NOTICE TO NEW YORK RESIDENTS?

*Notice shall include contact information for the person or business making the notification and a description of the categories of information that are reasonably believed to have been acquired by a person without valid authorization, including the specific elements of information that are reasonably believed to have been acquired.*

*Please see: <http://www.cscic.state.ny.us/security/securitybreach/index.cfm>  
for more information.*



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### WHAT NEW YORK STATE ENTITIES NEED TO BE INFORMED?

*If New York residents are affected, then your business is required to inform (1) The New York State Attorney General; (2) The Office of Cyber Security and Critical Infrastructure; and, (3) The New York State Consumer Protection Board.*

**New York State Attorney  
General's Office:**  
SECURITY BREACH NOTIFICATION  
Consumer Frauds & Protection  
Bureau  
120 Broadway - 3<sup>rd</sup> Floor  
New York, NY 10271  
Fax: 212-416-6003  
E-mail:  
breach.security@oag.state.ny.us

**New York State Office of Cyber  
Security & Critical  
Infrastructure Coordination:  
(CSCIC)**  
SECURITY BREACH NOTIFICATION  
30 South Pearl Street, Floor P2  
Albany, NY 12207  
Fax: 518-474-9090  
E-mail: info@cscic.state.ny.us

**New York State Consumer  
Protection Board (CPB):**  
SECURITY BREACH NOTIFICATION  
5 Empire State Plaza, Suite 2101  
Albany, NY 12223  
Fax: 518-474-2474  
E-mail: security\_breach\_notification  
@consumer.state.ny.us

To download the form, please see:

<http://www.cscic.state.ny.us/security/securitybreach/index.cfm>

### WHEN DOES MY BUSINESS NEED TO NOTIFY THE CREDIT REPORTING AGENCIES?

*If there are more than five thousand (5,000) New York residents affected by the security breach at one time, your business must also notify consumer reporting agencies as to the timing, content and distribution of the notices.*

### WHAT IS THE PUNISHMENT FOR FAILING TO COMPLY WITH THIS LAW?

*Your business could face: potential action by the New York State Attorney General; injunctions; fines; loss of business reputation and client/customer trust.*



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# NEW YORK STATE SECURITY BREACH REPORTING FORM

Pursuant to the Information Security Breach and Notification Act  
(General Business Law §899-aa; State Technology Law §208)

Name of Entity: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Sector (please select one):  Local Government  State Government  Federal Government  
 Not-for-profit  Commercial  Educational

Type of Business (please select one):  Biotech/Pharm  Education  Financial Services  
 Health Care  Insurance  Retail/Internet  Telecom.  Transportation  
 Other \_\_\_\_\_

Persons Affected: Total: \_\_\_\_\_ Dates: Breach Occurred: \_\_\_\_\_

NY residents: \_\_\_\_\_ Breach Discovered: \_\_\_\_\_

Consumer Notification: \_\_\_\_\_

Reason for delay, if any, in sending notice: \_\_\_\_\_

Description of Breach (please select all that apply):  Hacking incident;  Inadvertent disclosure;  
 Stolen computer, CD, tape, etc;  Lost computer, CD, tape, etc;  Insider wrongdoing;  
 other (specify): \_\_\_\_\_ [Attach additional description if necessary]

Information Acquired (please select all that apply):  Name;  SSN;  Driver's license no.;  
 Account number;  Credit or Debit card number;  Other (specify): \_\_\_\_\_

Manner of Notification to Affected Persons (**Attach Copy**):  Written;  Electronic (email);  
 Telephone;  Substitute notice (provide justification). List dates of any previous (within 12 months) breach notifications: \_\_\_\_\_

Credit Monitoring or Other Service Offered:  Yes;  No; Duration: \_\_\_\_\_

Service: \_\_\_\_\_ Provider: \_\_\_\_\_

Submitted by: \_\_\_\_\_ Title: \_\_\_\_\_

Firm Name (if other than entity): \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Dated: \_\_\_\_\_

**PLEASE COMPLETE AND SUBMIT THIS FORM TO  
EACH OF THE THREE STATE AGENCIES LISTED BELOW:**

**Fax or E-mail this form to:**

**New York State Attorney General's Office:**

SECURITY BREACH NOTIFICATION

Consumer Frauds & Protection Bureau

120 Broadway - 3<sup>rd</sup> Floor

New York, NY 10271

Fax: 212-416-6003

E-mail: [breach.security@oag.state.ny.us](mailto:breach.security@oag.state.ny.us)

**New York State Office of Cyber Security  
& Critical Infrastructure Coordination (CSCIC)**

SECURITY BREACH NOTIFICATION

30 South Pearl Street, Floor P2

Albany, NY 12207

Fax: 518-474-9090

E-mail: [info@cscic.state.ny.us](mailto:info@cscic.state.ny.us)

**New York State Consumer Protection Board (CPB):**

SECURITY BREACH NOTIFICATION

5 Empire State Plaza, Suite 2101

Albany, NY 12223

Fax: 518-474-2474

E-mail: [security\\_breach\\_notification@consumer.state.ny.us](mailto:security_breach_notification@consumer.state.ny.us)

To download the form, please see:

<http://www.cscic.state.ny.us/security/securitybreach/index.cfm>