

CHESTER COUNTY INTERMEDIATE UNIT 24

SECTION: OPERATIONS

TITLE: DATA BREACH POLICY

ADOPTED: May 17, 2017

REVISED:

Data Breach Policy	
1. Purpose	With the increased reliance upon electronic data, and the maintenance of personal information of students and employees in electronic format, the Board is concerned about the risk of a breach in the Intermediate Unit’s electronic system security and the possible disclosure of personal information. This policy addresses the manner in which the Intermediate Unit will respond to unauthorized access and acquisition of computerized data that compromises the security and confidentiality of personal information.
2. Authority	The Board directs that administrators shall provide appropriate notification of any computerized system security breach to any individual whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons.
3. Definitions	<p>Data Breach - unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the Intermediate Unit. Acquisition of personal information by an employee or agent of the Intermediate Unit for a purpose of the Intermediate Unit is not a data breach if the personal information is not used for a purpose other than the lawful purpose of the Intermediate Unit and is not subject to further unauthorized disclosure.</p> <p>Individual - means any natural person, not an entity or company.</p> <p>Personal information – includes personally identifiable information of individuals including social security numbers, financial and payroll information, disability status, personal health information, and other computerized information that the administration reasonably believes would cause harm to the individual if disclosed.</p>
65 Pa. C.S. §67.101 et seq.	Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records, including any information that is available to the public pursuant to the Right To Know Law.
20 U.S.C. §1232g	Personal information does not include Directory Information, as defined by the

<p>4. Delegation of Responsibility</p> <p>73 P.S. §2301, et seq.</p> <p>73 P.S. §2305 15 U.S.C. §1681a</p>	<p>Family Education Rights & Privacy Act.</p> <p>The Executive Director or designee shall ensure that the Intermediate Unit provides appropriate notice of any data breach, following discovery, to any individual whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and/or acquired by an unauthorized person or entity. Such notice shall be made without a reasonable delay, except when a law enforcement agency determines and advises the Intermediate Unit in writing that the notification would impede a criminal or civil investigation, or where the Intermediate Unit must take necessary measures to determine the scope of the breach and to restore the reasonable integrity of the data system prior to notification. The Intermediate Unit shall also provide notice of a data breach if encrypted information is accessed and acquired in an unencrypted form without authorization.</p> <p>The Intermediate Unit shall provide notice by at least one (1) of the following methods:</p> <ol style="list-style-type: none">1. Written notice to last known home address for the individual.2. Telephone notice if the individual can be reasonably expected to receive the notice and the notice is given in a clear and conspicuous manner; describes the incident in general terms; verifies the personal information but does not require the individual to provide personal information; and provides a telephone number to call or Internet web site to visit for further information or assistance.3. E-mail notice, if a prior business relationship exists and the Intermediate Unit has a valid e-mail address for the individual.4. Substitute notice if the Intermediate Unit determines that the cost of notice exceeds \$100,000, the affected individuals exceed 175,000 people, or the Intermediate Unit does not have sufficient contact information. Substitute notice shall consist of an e-mail notice, conspicuous posting of the notice on the Intermediate Unit's web site, and notification to major statewide media. <p>The Board directs the administration to provide notice of data breaches, wherever required, pursuant to the Breach of Personal Information Notification Act. However, data breach notifications shall be provided in the circumstances defined above, and shall not be limited to those instances required by the law.</p> <p>If the Intermediate Unit provides notification of a data breach to more than 1,000 persons related to a single data breach, the Intermediate Unit shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution and number of notices, without unreasonable delay.</p>
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References:

Breach of Personal Information Notification Act – 73 P.S. §2301 et seq.

Fair Credit Reporting Act – 15 U.S.C. §1681a

Family Educational Rights & Privacy Act - 20 U.S.C. §1232g

Right to Know Law - 65 Pa. C.S. §67.101, et seq.