

To: Village Board
From: Manager Erica Linden
Date: 12/14/23
RE: Fall Training School/ NYCOM 2023

Thank you for prioritizing training and professional development for our staff. There is always something new to learn, the mechanics of government are intricate and changing. I appreciate your allowing myself and our staff to improve our ability to serve you and ultimately the public through continued learning, as well as the critical opportunity to learn from peers across the state and develop valuable contacts.

Overall, my biggest takeaways when at a training is how well-respected Brockport is across the state, that it is meaningful to have a Mayor who is active with NYCOM and their executive committee, and that our level of activity and professionalism across our departments is much greater than many, many other of our peers across the state. I always leave proud to be a part of the Village of Brockport.

Sessions Attended / Notes

NYCOM's Value-Added Programs

NYCOM rarely endorses or partners with for-profit entities and takes their endorsements seriously. U-audit is an intriguing program and can assist in recouping lost/underpaid gross utility taxes or franchise fees. Worth exploring. Contact, Tom Augustini, is also employed by Haylor & Coon Insurance. Will set up a meeting in the future. CGI, who we already work with for community videos is an endorsed entity and offers a program with Main Street banners (for free?!!) that we will aim to take advantage of in the coming year.

Would've Could've Should've: Adopting Municipal Policies and Procedures

Good reminder of the mandatory policies – and the need for us to review them as some of them have aged (technology means new methods of communication, need to update policies for cyber security breaches and Emergency Operations). Brockport continues to be one of the few with a (recommended) social media policy.

Albany Update

Legislative update included enacted and pending legislation and if NYCOM supported it on behalf of villages and cities. Informative, nothing nail biting, much of it all of us wishing for more local funding. (The next legislative session's priorities have since been established). Of note – next year NYCOM will include a focus on addiction, mental health, and homelessness.

The Office of the State Comptroller has local government interactive data available for every city, county, town, village, and school district. www.osc.state.ny.us/local-government/financial-toolkit

One out of six villages in the state are not filing their reports on time, making it impossible to assign fiscal stress scores. State believes this is due to retirements, new employees, understaffed workplaces, it will take time to get caught up.

Women's Advisory Committee: Peer Mentoring

My biggest takeaway from this meeting was that I went in thinking I'd ask questions of older, wiser women in government and instead quickly realized I was the woman being asked the questions. The turnover in local government is high and many women are entering this field as a second or third career and have quite a learning curve. A side note – it seems women who have significant experience in the emergency fields are still not being asked to participate in emergency operations planning. (Small sample size, of course!) One female Code Enforcement Officer present.

Navigating a Multigenerational Workforce

This session was a bit of a disappointment, I felt more could have been done here, but the speaker was a DPW manager and spoke a lot about how communication methods are different across the generations and how to encourage older employees to see the positives younger employees bring to the workforce while also teaching them to train the new employees with more than a “do this” mentality but to explain WHY we want the new employee to “do this.”

Managing Your Power and Unpacking Stress (2 sessions)

NYCOM decided to bring in an outside consultant, Heidi Frye of UPWORDSINC., to offer professional development sessions that were focused on the individual and their leveraging their potential, increasing awareness, and management of stress. Working with the public is challenging, and those in public service have less privacy, many hats to juggle, and often long hours. It was well attended and people were engaged, it was a worthwhile class and I hope they continue to offer something like this at future training schools.

When I worked for the federal government in a leadership trainee program, these types of workshops were offered on a regular/rotating basis and did make an improvement in people’s ability to grow, have a greater perspective, and ultimately contribute more meaningfully in the workplace.

Ins and Outs of Declaring Local States of Emergency

Only counties are required to have an Emergency Plan but all governments should have one and review it annually at a minimum. (*Great advice: put the reviews on the calendar in advance of the organizational meeting – perhaps two policies per workshop.) The local chief executive declares the emergency but someone else is usually the emergency coordinator.

Random question – Solar Panels – how do you deal with a solar panel fire? Does our fire department know?

Educate residents on what items they should have at home as prep for an emergency. Set up blanket contracts in advance of emergencies – electrical, tree removal, car removal, cell phone emergency coverage. Governments can address emergency procurement in both the emergency and procurement plans/policies.

Pro-Housing Communities

This designation is critical to opening some funding streams but it isn’t really relevant to villages like Brockport. It is more applicable to those outside NYC.

Adult-Use Cannabis Update

Biggest take-away is that enforcement is happening, those establishments selling cannabis are being shut-down, they will not be eligible for a license, and that it will take time to move enforcement arms across upstate. Roll-out of permits still coming, stay tuned...

Stump the NYCOM Staff

I was able to talk with multiple members of NYCOM’s staff to ask questions one-on-one. This was a great opportunity and definitely enhanced my understanding of what local governments roles and responsibilities are.

NYCOM Fall Training School September 18-22, 2023
Lake Placid, New York

TO: Mayor Blackman and the Village Board

First, I want to thank you all for giving me the opportunity to attend the NYCOM Fall Training School.

The conference itself was very well put together. NYCOM offered a variety of courses over a five-day period. Between Erica, Kari, and I, we covered many different sessions that ran concurrent with one another.

The bonding experience with our fellow Monroe County Village Clerk's was priceless. Getting to know the clerks on a personal level was amazing. The bonding experience and knowing we can call on each other for advice, procedure information and miscellaneous questions is critical for our own personal growth.

People attended the conference with all different educational levels from newly hired with no higher education experience, seasoned clerks, to attorneys with continuing education credit. We were all there for the same purpose, to learn more about municipal government and refresh our knowledge regarding proper procedures.

Of the 12 concurrent sessions, below is a summary of a couple that stood out for me:

The Water's Rough: Administering Public Water & Sewer Systems Part I

Most of the discussion during this session dealt with the creation of public water and sewer systems and how the systems are funded such as water/sewer rates, tap-in fees, state and federal funding. Procedures for termination of service for non-payment were shared by various municipalities. Public Hearings for water rate changes and refunds for non-potable water were also discussed.

H2O II: Administering Public Water & Sewer Systems Part II

Part II touched on enforcement of intermunicipal agreements and the importance of those agreements, providing a receipt to residents paying water/sewer bills, impact fees should be applied to billing statements as opposed to on property taxes, and how late fees are calculated. A discussion took place with various municipalities sharing their procedures for late charges.

What Do You Mean I Can't Do That: Municipal Ethics 101

Article 18 of General Municipal Law should be reviewed by all employees. Much of the session discussed gifts and favors, what is considered as a gift and the threshold each municipality allows. We learned some municipalities have a \$0 allowance and how a zero allowance is not practical, the average allowance should be in the range of \$10 to \$25 but NYS allows up to \$75. Municipalities shared their gift policies. It was also noted the importance that Ethic Committee Members receive proper training.

Important Policies to Consider that may or may not be in effect:

- Organizational flow chart so employees know who the chain of command
- Policy for volunteers, seasonal and part-time employees to comply with sexual harassment training
- Meeting procedures for PB/ZBA
- Policy for Covid leave. NYS indicates each employee gets a lifetime of three 14-days off due to covid. What does the village require to prove covid leave? A home test, PCR test, or their word? If an employee is seen at a public function or event while on covid leave, should that employee be paid?
- Policy for recoupment of training expenses. If the village pays an employee for specific training and then that employee leaves the village after a certain amount of time, the village can re-coup training costs
- Policy for late water/sewer payments – if a payment is received through the mail and there is no postmark, then that payment is late (many financial institutions use bulk mail and there is no postmark date on their envelopes)

Yours truly,

Barbara Krizen

NYCOM 2023 Takeaways/To-Do

NYCOM 2023 was a tremendously valuable experience. The time spent in sessions was overwhelmingly informative. While absorbing all of it, I format my notes as elements to remember or take action on. What was equally important in this year's experience was the networking with other municipal staff. Comparing processes, talking software, discussing workflow, division of responsibilities, procedures, and resources. These discussions allow us to refine and maximize the potential among ourselves. The relationships built during these interactions allow for mutual support on a day-to-day basis. I thank the board for the opportunity to attend.

Municipal Payroll (9/18/23)

- Look up OSC's chart of accounts to refamiliarize.
- W Fund. Long term liabilities?
- W-4: Which one are we using – change your form for marriage, divorce, new baby, child turning 17.
- Prevailing Wage – certified payrolls. Collect, review, proof of completion.
- Certified payroll form (look it up for review)
- Federally funded projects need federal compliance form.
- Collect certified payrolls.
- Involve board where possible (if not enough staff) for segregating duties.

Value Added NYCOM Programs (9/18/23)

- Banners – 12 months every year, 3 years, 25 poles, ready with artwork, letter to validate the initiative and a one-page agreement.
 - 2024 Eclipse, 2025 Bridging Brockport, 2026 30 years of BAF.
- Contract with U-audit

Fraud Detection and Prevention (9/18/23)

- What is our reimbursement rate? Vs. Federal per diem max
- Where to find OSC audits on Mondays?
- Sign bank statements/bank recs
- Do we have a whistleblower policy? OSC will come and audit but will not press charges.
- Do our policies contain consequences for non-adherence?
- 7 mandated policies including emergency operations.
- Review and sign code of ethics (at time of hire or annually?)
- How can we get read only access for department heads to check their own lines?

Required Reporting to OSC (9/19/23)

- We can adopt an override at the beginning of the fiscal year at reorganization meeting.
 - if we don't override, you don't have to rescind (Dept of State is not denying any local laws)
- User fee based or tax based? – must hold a hearing for adoption of a local law.
- "If you have the power to shut water off, shut it off otherwise the burden falls on the county."
- Update contact information on OSC

Minimum Wage and OT Essentials (9/19/23)

- PD: Up to 480 hours banked.
- DPW: Up to 240 hours banked.
- If there are less than 5 police officers – no OT is required.
- Work period of 168 hours = 7 24-hour days

Social Media (9/19/23)

- Put notices on website and Facebook.
- PDF flyers on Insta (Barb)
- Use stories for 1-day blasts (archived in account, but gone in a day)
- Use twitter for press releases and “breaking news.”
- Use meta to post on FB & Insta at the same time.
- Tag media in announcements
- Create social media policy (“Brockport has one.... look at theirs”)
- What is our policy on village businesses? Ribbon cuttings only? Including allow comments by those tagged in our policy? Turn comment off when shared to other pages.
- Tag influencers (aka: Brockport Blog)
- Adobe Express – worth looking at?

Pro-Housing Communities (9/19/23)

- NYS Housing Dashboard
- Federal pro-housing community (\$5 million)

Issuing Debt (9/20/23)

- Use “The Book”
- Can borrow for cash flow without a tax anticipation note.
 - Budget notes (item not in our budget.
 - Deficiency note – when item in budget didn’t come home.
- Why are you borrowing?
 - Theory: By spreading out the cost over its useful life is more responsible to the taxpayers living there at that time.
 - NOW: Interest rate is SO high, it’s use that money instead for a capital equipment fund.
- Step 1: State Environment Quality Act: Replacing type 2 actions w/a SEQR Type 2 resolution (SEQR Type 1=Talk to environmental lawyer, SEQR Type 2=No impact on environment)
- Authorize bond describe project, financed over period of probable life.
- Permissive referendum for villages – if 5 years or less you can just adopt the bond ordinance, publish w/in 10 days to avoid a permissive referendum.

- Join debt/Join project – jointly and separately liable for the portion and full among of the debt.

Stump NYCOM

- Energy companies – not paying more than 2%
- Contract w/county for heightened patrols (if county took over)
 - Designated deputy in the village during designated times
- Article 8, Section 1
- Proper public purpose – outside entity does fundraising and donates profit.
- Arts Council – partners w/ non-profit – outside entity runs it.
- What is municipality receiving for the service?
- Broad authority to provide services to seniors.
- Arts & Parks
- Municipality can accept donation for proper public purpose.

Ask The Auditor

- Policies – to prevent inconsistency if there isn't a board.
- Budget – for all capital projects with bond anticipation note and H fund.
- Debt in an operating fund=put all expenses in expenditure code .2
- DOWNLOAD THE CODES

NYSLRS Expo Table

- Appointed board member who is also an active state employee should maintain a "Record of Activity" for each quarter recording date, activity, start and end time sign, submit to Treasurer to calculate, list on resolution, pass by board, and submit to NYSLRS.

U-Audit

A s s o c i a t e s

Consulting & Audit Services

U-Audit Associates, LLC is a cost management and revenue enhancement consulting firm, serving New York State's Cities and Villages through the NYCOM USA Program. Our objective is to provide your municipality with the best billing analysis, revenue review and consulting services that will save both time and money.

U-Audit's Standard Auditing Services are contingency based providing the intricate evaluation process that helps identify and correct costly billing errors, which result in well-deserved refunds for our clients. Our Premium Consulting Services are fee based and focus on the evaluation and negotiation of complex long-term business arrangements.

Standard Auditing Services

- Utility & Telecommunications billing
- Cable Franchise Agreements
- Gross Receipts Tax
- Street Light Audits
- Telephone Billing Audits
- Bank Fee Analyses

Premium Consulting Services

- 5G Location & Cell Tower Agreements
- Digital Billboard Agreements
- Employee Benefit & Eligibility Audits
- 207A Supplemental Payment Audits
- Cyber Security Audits
- Cable Franchise Agreement Negotiations

With U-Audit Associates, we guarantee the very best management services at no risk for your NYS City or Village. Our utility analysis and various consulting services are simple and straightforward. Let our billing analysis team enhance your organization's revenue for years to come. We look forward to connecting and collaborating with you!

Contact us at www.u-audit.com

John Bernardo – johnb@u-audit.com or PH. 1.866.321.5627 / Fax 1.877.200.5572



Ask The Auditor

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Dept. of Public Works

To: Mayor Blackman & Trustees
From: Supt. Dan Verace
Date: October 18th, 2023
Re: NYCOM Public Works School

Below you will see my summary of the Public Works School that I attended this October. It was put on by NYCOM and held in Lake Placid at the High Peaks Resort. The conference started on Monday October 16th, 2023, and ended on Wednesday October 18th, 2023.

Navigating Choppy Waters:

The keynote speaker was Mr. Mancini. This meeting was a great refresher opportunity that touched on hot topics that public works professionals come across every year. Listed below are a few highlights from the meeting:

- Nepotism
- Knowing and understanding gifting policies
- How to properly dispose/sell village owned equipment/materials.
- The use of village owned electronic devices and FOIA.

Invasive Species:

Vision: Reducing the threat of environmental hazards.

The keynote speaker was Kris Williams with PRISM (Partnerships for Regional Invasive Species Management). Kris said if the village was interested, a crew could come out and perform an invasive species study. This study is not free but may be worth pursuing since we have an ongoing problem with Japanese Knotweed throughout many creeks and in and around Smith Street bridge. For many of the invasive species, he recommended chemically treating the problem areas. He also gave a best management practice that I plan on using. His recommendation was that when a DPW crew is trimming the Japanese Knotweed to make sure all trucks and tools are thoroughly washed post trimming to prevent further spreading.

Managing Projects In and Out of the Right-Of-Way:

This session discussed common issues that municipalities are dealing with. The most common issue was to make sure the municipality has a policy in place for when contractors request a permit to work within the right-of-way. These policies specifically need to detail the contractors' roles and responsibilities when working for the village. Luckily, we have recently put a

policy in place that addresses this exact scenario. As we move forward, it may need to be tweaked to fit the villages' needs.

How to Recruit & Retain the Next Generation of DPW Professionals:

This session was led by Sergio Panunzio (Commissioner City of Albany). He primarily focused on how supervisors are to deal with new employees and ideas to help attract employees to work within this field.

Recruiting: He said Albany currently employs a marketing strategist to help the city reach out and find employees that would fit well into a public works department. One method the city uses is to print out posters, flyers, and yard signs and have a slogan called "Join Albany". They make sure to get those materials out to every event that goes on throughout the year.

Retaining: During this presentation Sergio explained that when dealing with the newer generations of employees the key concept to remember is that most employees need to be given a clear explanation why they are performing the job at hand. The employees need to buy all in on the plan, as well as be able to give input on future projects. Another idea Sergio made was for the municipalities to offer incentives for the employees. The one idea that was mentioned was for municipalities to offer retention payments for employees.

Lead and Copper Rule Revisions:

The key takeaways were updates on a federal regulation that were passed. This regulation will require that any water company that maintains a water system have full inventory of every service line by October 16th, 2024. Once the inventory is submitted in October the local health department will be reviewing the results and issuing municipalities a detailed sampling plan. The definition of an inventory is to have every service line made public knowledge by October 16th, 2024. The health department will accept unknown material as a submission, but it is important to remember that the more unknown materials noted the more sampling that will be required for the village to perform.

Overall, I am very thankful for the support from the Mayor and the Board for allowing myself to attend NYCOM this year. One great event that I attended while I was there was seeing the Olympic Ski Jumps up close. I rode the gondola up to the top of the jumps and got to see what it looks like from the starting point.

Thank you,

Dan Verace
Village of Brockport
Supt. of Public Works



VILLAGE OF BROCKPORT

127 Main Street · Brockport, New York 14420
Telephone (585) 637-5300 · Fax (585) 637-1045
Website: www.brockportny.org
The Victorian Village on the Erie Canal

December 12, 2023

Dear Property Owner:

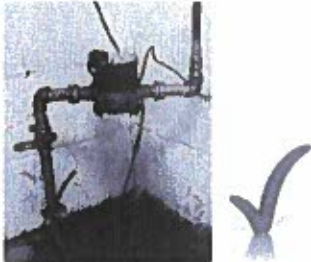
The Brockport Water Department will begin the required EPA Water Meter Inspection and Service Line Verification Program to confirm service line material to your property. A Village of Brockport Department of Public Works employee will go door to door to access the water meter and its components. We are scheduled to begin January 2, 2024.

When: Starting January 2, 2024

Where: Entire village, starting with the southwestern quadrant.

Time: Monday-Friday 3:00pm-6:00pm

If you would like to save time, please feel free to send us a picture of the water meter showing both water lines going in and out of the meter. If you provide a photo, we will not need to access your meter for this inspection. Please see example below:



Please send all pictures to my email: dverace@brockportny.org and include the property address in the subject line of the email.

To learn more about the requirements set forth by the EPA visit:

<https://www.epa.gov/dwreginfo/lead-and-copper-rule>

If you have any questions, please call the Department of Public Works at 637-1060.

Sincerely,

Dan Verace
Supt. of Public Works
Village of Brockport

Mayor Margaret B. Blackman, Trustee/Deputy Mayor Annette M. Crane
Trustees John D. LaPierre, Shawn Halquist, Katherine J. Kristansen

VILLAGE OF BROCKPORT
POSITION INTEREST FORM

NAME: Linda Negus
ADDRESS: 234 Main St Brockport NY
TELEPHONE: HOME: 631-3634 WORK: _____
FAX: _____ E-MAIL: lmlibrarian@gmail.com
LENGTH OF RESIDENCY IN VILLAGE OR AT CURRENT ADDRESS: 40 yrs
BOARD / COMMITTEE POSITION INTERESTED IN: library board
EDUCATION: BS : SUNY Albany
MLS : Syracuse University

SKILLS OR EXPERIENCES YOU WOULD LIKE TO CONTRIBUTE: _____

29 years as a librarian in
childrens service, adult services,
outreach, 14 of them in management at
Onondaga County Library System + Monroe County Library System
SHORT STATEMENT ON REASON(S) FOR YOUR INTEREST IN THIS
POSITION AND WHAT YOU HOPE TO LEARN OR ACCOMPLISH: _____

I have the ideal background for
this particular position. As public
libraries expand their mission, I am
sure there will be new ideas to work on
Continue on back if necessary. in library service as well.

Feel free to attach a resume if you have one.

SIGNATURE: Linda M. Negus DATE: 12/11/2023



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Winter Legislative Meeting TENTATIVE AGENDA

Sunday, February 4, 2024

- 2:00 p.m. NYCOM Registration Desk Opens
- 3:30 p.m. **NYCOM POLICY COMMITTEE MEETINGS**
NYCOM's four policy committees will convene to hold substantive policy discussions on timely topics. All attendees are encouraged to participate.
- 5:00 p.m. **PLENARY SESSION**
- Briefing on 2023-24 Proposed State Budget
- 6:00 p.m. **RECEPTION-STYLE DINNER**
Sponsored by NYMIR and Comp Alliance

Monday, February 5, 2024

- 7:00 a.m. **Breakfast**
- 7:30 a.m. **NYCOM Registration Desk Opens**
- 8:00 a.m. **EARLY RISER ROUNDTABLES**
- Women's Advisory Committee
 - College Communities
 - New Officials Open Forum
- 9:00 a.m. **INVITED SPEAKERS**
- 11:15 a.m. **CONCURRENT SESSIONS**
- The Latest in Adult-Use Cannabis
 - Navigating the Civil Service Minefield
 - Accessing State/Federal Grants
- 12:30 p.m. **Lunch**
- 1:45 p.m. **CONCURRENT SESSIONS**
- Spotlight on Infrastructure: Success Stories from Across the State
 - Green Energy Solutions for Cities and Villages
 - Dealing with Protests, Social Media and First Amendment Audits
- 3:15 p.m. **CONCURRENT SESSIONS**
- Homelessness, Mental Health and Addiction Issues in Your Communities
 - Best Practices for Hiring and Firing Employees
 - ARPA Reporting
- 4:30 - 5:30 p.m. **NETWORKING RECEPTION**

Tuesday, February 6, 2024

8:30 -10:0 a.m. **CONCURRENT SESSIONS**

(as of 12/12/23)

ANNUAL CONVENTION

CONFERENCES & WORKSHOPS

WINTER LEGISLATIVE MEETING

FALL TRAINING SCHOOL

PUBLIC WORKS SCHOOL

REGIONAL WORKSHOPS

WEBINARS

VENDORS

ELECTED OFFICIALS ACADEMY

MEETING RESOURCES

MAYOR BILL KELLY LEADERSHIP EDUCATION SCHOLARSHIP FUND

PROFESSIONAL CERTIFICATIONS

CONTACT DIRECTOR OF EVENTS

NYCOM ■ 119 Washington Avenue ■ Albany, NY 12210 ■ 518.463.1185

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[INFORMATION](#) [REGISTER](#) [AGENDA](#)

Winter Legislative Meeting Hotel Details February 4-6, 2024 | Marriott Albany



HOTEL RATES:

Single: \$159 per night

Double: \$189 per night

[SINGLE HOTEL RESERVATIONS](#)

The Marriott Albany is the headquarters for the 2024 Winter Legislative Meeting. All sessions and meals will be at the Marriott Albany.

Reservations must be received **BY January 25, 2024**, after which time the room block will be released and reservations will be accepted based on availability. Please note that the room block **CAN** sell out prior to the cut-off date so **REGISTER EARLY** to ensure a room in the hotel.

All hotel reservations must be accompanied by a one-night deposit or guaranteed by a major credit card.

Reservations may be canceled up to 48 hours prior to your arrival without penalty. Upon early departure, an Early Departure Charge of one night's room stay applies.

Reservations may be canceled online using your reservation number or by phone at (518) 458-8444.

Check-in 4:00 p.m. | Checkout 12:00 p.m.

MEALS ARE NOT INCLUDED IN YOUR HOTEL ROOM RATE. MEAL PACKAGES ARE PURCHASED DURING THE MEETING REGISTRATION PROCESS.

ANNUAL CONVENTION

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Citizen Information Security Breach Notification Policy
Draft for Consideration 10/23/23 VB Workshop

A. 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 Village of Brockport ("Village") is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.

Definitions. When used in this section, the following words and phrases shall have the following meanings:

BREACH OF THE SECURITY OF THE SYSTEM — Unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the Village. Good-faith acquisition of personal information by an employee or agent of the Village for the purposes of the Village is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Village may consider the following factors, among others:

- (1) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- (2) Indications that the information has been downloaded or copied; or
- (3) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

CONSUMER REPORTING AGENCY — Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The City may request a list of consumer reporting agencies from the State Attorney General when required to make a notification under Subsection C of this section.

PRIVATE INFORMATION — Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired: (1) social security number; (2) driver's license number or nondriver identification card number; or (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would

permit access to an individual's financial account. Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

(1)

(2) Indications that the information has been downloaded or copied; or

Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

(3)

C. Where the City owns or licenses computerized data that includes private information, the City 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 person 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 Subsection E of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

City of Rochester, NY

Downloaded from <https://ecode360.com/RO0104> on 2023-09-29

:1

D. Where the City maintains computerized data that includes private information which the City does

not own, the City 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.

B. The Village, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC), is to determine the scope of the breach and restoration measures, 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.

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

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

E. 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.

F. The Village will notify the affected individual directly by one of the following methods:

- (1) Written notice;
- (2) 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 Village when notifying affected persons; or
- (3) Telephone notification, provided that a log of each notification is kept by the Village when notifying affected persons; or
- (4) Substitute notice, if the Village 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 Village does not have sufficient contact information. The following constitute sufficient substitute notice:
 - (a) E-mail notice when the Village has an e-mail address for the subject persons;
 - (b) Conspicuous posting of the notice on the Village's web site page; and
 - (c) Notification to major statewide media.

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

H. The Village 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.

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

J. This policy also applies to information maintained on behalf of the Village by a third party.

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