CHAPTER 11 - TECHNOLOGY LAW

§11.1 Consent to Collection and Disclosure of Personal Information

No Town officer, employee or agent shall collect personal information concerning a user through a Town of Camillus website, or disclose personal information concerning a user to any person, firm, partnership, corporation, limited liability company or other entity, including internal staff who do not need the information in the performance of their official duties pursuant to a Town purpose meeting the requirements of section 11.3 of this article, unless such user has consented to the collection or disclosure of such personal information. For the purposes of this section, the voluntary disclosure of personal information to the Town by a user through a Town website, whether solicited or unsolicited, shall constitute consent to the collection or disclosure of the information by the Town for the purposes for which the user disclosed it to the Town, as reasonably ascertainable from the nature and terms of the disclosure.

§11.2 Definitions

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

A. Collect shall mean to store information, including via cookie technology, for purposes of retrieval at a later time to initiate communication with or make determinations about the person who is the subject of such information.

B. Disclose shall mean to reveal, release, transfer, disseminate or otherwise communicate information orally, in writing or by electronic or other means, other than to the person who is the subject of such information.

C. Internet shall mean a system of linked computer networks, international in scope, that facilitate date transmission and exchange.

D. Personal information shall mean any information concerning a natural person which, because of name, number, symbol, mark or other identifier, can be used to identify that natural person.

E. Town website shall mean an internet website operated by or for the Town of Camillus.

F. User shall mean any natural person who uses the internet to access a Town of Camillus website.

§11.3 Authorization to collect or Disclose

A Town officer, employee or agent may collect or disclose personal information if the collection or disclosure is:

A. necessary to perform the statutory duties of the Town or is collecting the personal information necessary for the Town to operate a program authorized by law, or authorized

by state or federal statute or regulation

B. made pursuant to a court order or by law

C. for the purpose of validating the identity of the user; or

D. if the information is used solely for statistical purposes and is in a form that cannot be used to identify any particular person

§ 11.4 Notification to user of unauthorized acquisition of private information

A. As used in this section, the following terms shall have the following meanings:

1. Private information shall mean personal information in combination with anyone 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:

    a. social security number;

    b. driver's license number or non-driver identification card number; or

    c. 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.

2. Breach of the security of the system shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the agency 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 Town may consider the following factors, along others:

    a. 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

    b. indications that the information has been downloaded or copied; or

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

B. Any Town entity that maintains computerized data that includes private information which such entity does not own, shall notify the owner or license 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.

C. The notification required by this section may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this section shall be made after such law enforcement agency determines that such notification does not compromise such investigation.

D. The notice required by this section shall be directly provided to the affected persons 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 said notice in electronic form and a log of each such notification is kept by the Town 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;

3. telephone notification provided that a log of each such notification is kept by the Town entity who notifies affected persons.

E. Regardless of the method by which notice is provided, such notice shall include contact information for the Town entity 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.

Historical Note:

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