

STATE OF NEW YORK

7786

IN SENATE

January 11, 2022

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the state technology law, in relation to the notification of certain agencies of a breach of the security system or a breach of the security network

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 209 of the state technology law, as added by a
2 chapter of the laws of 2021 amending the state technology law relating
3 to the notification of certain state agencies of a data breach or
4 network security breach, as proposed in legislative bills numbers S.
5 7019 and A. 7612, is amended to read as follows:

6 § 209. Notification of [~~data~~] a breach [~~or network~~] of the security of
7 the system or a breach of network security; shared data. 1. The office
8 shall, within twenty-four hours [~~following the discovery of a data~~
9 ~~breach or network security breach or receiving notice of a data breach~~
10 ~~or network security breach~~] of either being notified of or receiving
11 evidence of a breach of the security of the system, or a breach of
12 network security, as defined in paragraphs (a) and (b) of subdivision
13 three of this section, notify the chief information officer, [~~and where~~
14 ~~appropriate,~~] the chief information security officer, and where appro-
15 priate, the cyber security coordinator of any state entity with which it
16 shares data, provides networked services or shares a network connection
17 whose data, services or connection is [~~or may have been the subject of~~
18 reasonably suspected to be affected by any such breach [~~whether or not~~
19 ~~such data was, or is reasonably believed to have been, acquired or used~~
20 ~~by an unauthorized person~~].

21 2. The office shall[, ~~in addition to the provisions of subdivision one~~
22 ~~of this section, notify~~] provide the chief information officer, [~~and~~
23 ~~where appropriate,~~] the chief information security officer, and where
24 appropriate, the cyber risk coordinator of [~~such~~] any state entity [~~with~~
25 ~~which it shares data, provides networked services or shares a network~~
26 ~~connection and whose data is or may have been the subject of such~~
27 ~~breach, of~~], who has been notified pursuant to subdivision one of this

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 section, with its plan for remediation of the breach and future
2 protection of such data and network.

3 3. For purposes of this section:

4 (a) [~~"Data breach" shall mean an intentional or unintentional incident~~
5 ~~where data is disclosed, released, stolen, or taken without the know-~~
6 ~~ledge or authorization of the data's owner or steward]~~ "Breach of the
7 security of the system" shall have the same meaning as defined in para-
8 graph (b) of subdivision one of section two hundred eight of this arti-
9 cle.

10 (b) [~~"Network security breach" shall mean an intentional or uninten-~~
11 ~~tional incident where an unauthorized party has gained access to an~~
12 ~~organization's network without the knowledge or authorization of the~~
13 ~~network owner or steward]~~ "Breach of network security" shall mean unau-
14 thorized access to or access without valid authorization of a computer
15 network which compromises the security, confidentiality, or integrity of
16 such network.

17 (c) "State entity" shall [~~mean any state board, bureau, division,~~
18 ~~committee, commission, council, department, public authority, public~~
19 ~~benefit corporation, office or other governmental entity performing a~~
20 ~~governmental or proprietary function for the state of New York, includ-~~
21 ~~ing the state legislature and the judiciary]~~ have the same meaning as
22 provided by paragraph (c) of subdivision one of section two hundred
23 eight of this article.

24 § 2. This act shall take effect on the same date and in the same
25 manner as a chapter of the laws of 2021 amending the state technology
26 law relating to the notification of certain state agencies of a data
27 breach or network security breach, as proposed in legislative bills
28 numbers S. 7019 and A. 7612, takes effect.