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:

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

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

2. The office shall[~~, in addition to the provisions of subdivision one of this section, notify~~] provide the chief information officer, [~~and where appropriate,~~] the chief information security officer, and where appropriate, the cyber risk coordinator of [~~such~~] any state entity [~~with which it shares data, provides networked services or shares a network connection and whose data is or may have been the subject of such 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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section, with its plan for remediation of the breach and future protection of such data and network.

3. For purposes of this section:

(a) [~~"Data breach" shall mean an intentional or unintentional incident where data is disclosed, released, stolen, or taken without the knowledge or authorization of the data's owner or steward~~] "Breach of the security of the system" shall have the same meaning as defined in paragraph (b) of subdivision one of section two hundred eight of this article.

(b) [~~"Network security breach" shall mean an intentional or unintentional incident where an unauthorized party has gained access to an organization's network without the knowledge or authorization of the network owner or steward~~] "Breach of network security" shall mean unauthorized access to or access without valid authorization of a computer network which compromises the security, confidentiality, or integrity of such network.

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

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