

STATE OF NEW YORK

8793

IN ASSEMBLY

January 12, 2022

Introduced by M. of A. OTIS -- read once and referred to the Committee on Governmental Operations

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.