

A new policy for your consideration.

Business and Non-Instructional Operations

Information Security Breach and Notification – Version #1

The Board of Education is concerned about the rise in identity theft and the need for prompt notification when security breaches occur. Therefore, the District will take reasonable security measures to guard against the foreseeable loss or exposure of restricted personal information about staff, students, and parents. The District will consider practices concerning physical, technical and administrative safeguards for both paper and electronic records.

To this end, the Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, “private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;
- Include procedures to identify any breaches of security that result in the release of private information; and
- Include procedures to notify persons affected by the security breach.

Any breach of the district’s computerized data which compromises the security, confidentiality, or integrity of personal information and information pertaining to District security and maintained by the District shall be promptly reported to the Superintendent and the Board of Education. However, good faith acquisition of personal information by an officer or employee or agent of the District for the purposes of the District is not considered a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

Version #2

The District will take reasonable security measures to guard against the foreseeable loss or exposure of restricted personal information about staff, students, and parents. The District will consider practices concerning physical, technical and administrative safeguards for both paper and electronic records.

The Superintendent or his/her designee shall oversee a process to identify the following information to be kept on file in the Central Office:

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- What information is considered restricted;
- Where it currently resides;
- How it is protected; and
- Who is responsible for providing each level of security for each piece of restricted information.

Restricted personal information is defined as that information protected under federal or state law (FERPA, HIPAA, FOIA, etc.). Examples of restricted personal information includes, but is not limited to, social security or other identification number, financial account access information, medical records, computer passwords and security codes. Restricted personal information does not include information that is lawfully made available to the general public pursuant to state or federal law or regulation.

A breach of information security refers to an unauthorized acquisition of data in either electronic or paper format. Good faith acquisition of such information by an employee is not a security breach if the information is not used or is not disclosed to others without authorization.

The District shall consider an incident response plan to provide direction in the event of a suspected information breach. The plan should be reviewed annually by staff designated by the Superintendent.

In determining whether restricted personal information is reasonably believed to have been acquired by a person without valid authorization, appropriate action should be taken after the following have been considered:

1. Indications that the information is in the physical possession and control of an unauthorized person such as, but not limited to, a lost or stolen computer or document, file or other record containing personal information;
2. Indications that the information has been downloaded or copied;
3. Indications that the information has been used by an unauthorized person to establish fraudulent accounts or instances of identify theft; and
4. Any other factors that the District deem appropriate and relevant to such a determination.

Notice of a breach of information security should be provided to the individual whose restricted personal information has been acquired by an unauthorized person. Notification will be made in the most expedient time frame possible and without reasonable delay, except when a law enforcement agency advises the District that notification will impede criminal investigation.

Notification should be provided to the individual within three (3) working days of discovery of the breach but no later than thirty (30) working days.

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Depending on the number of people to be contacted, notification may be in the form of a face-to-face meeting, telephone call, posting on a web site or sending a written notice to each affected person's home. Notice should include the specific information involved and when known, an estimate of how long it has been exposed, to whom the information has been released and how the breach occurred. In addition, the individual should be advised whether the information remains in the physical possession of an unauthorized person, if it has been downloaded or copied, and/or, if known, whether it was used by an unauthorized person for identity theft or fraud purposes.

NOTE: To successfully implement this policy, it is recommended that districts inventory their computer programs and electronic files to determine the types of personal, private information that is maintained or used by the district, and review the safeguards in effect to secure and protect that information.

Legal Reference: Connecticut General Statutes
 1-19(b)(11) Access to public records. Exempt records.
 7-109 Destruction of documents.
 10-15b Access of parent or guardians to student's records.
 10-209 Records not to be public.
 11-8a Retention, destruction and transfer of documents
 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
 46b-56 (e) Access to Records of Minors. Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).
 Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).
 Dept. of Education 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.
 42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)
 65 Fed. Reg. 503 12-50372
 65 Fed. Reg. 92462-82829
 63 Fed. Reg. 43242-43280
 67 Fed. Reg. 53182-53273

Policy adopted: