

R 8-23-1 Notification of Affected Employees of a Breach of Security of Consumer Information

West Virginia Code §46A-2A-101 thru 104 requires the Preston County Board of Education to give notice of any breach of the security of any computerized data that includes personal information about its employees giving rise to the reasonable belief that the breach has caused or will cause identity theft or other fraud to the individuals involved. Personal information is a person's first name (or first initial) and last name where the name is linked to a person's:

- ❖ Social security number; or
- ❖ Driver's license or state identification card number; or
- ❖ Financial account, credit card or debit card number in combination with any required security code, access code or password.

When such a breach occurs, the Board must, without unreasonable delay, give notice to any employee whose personal information is reasonably believed to have been accessed by an unauthorized person. The following must be included in the notice:

- ❖ A description of the kinds of information believed to be accessed or acquired;
- ❖ A telephone number or web address at which individuals can learn what kinds of information the Board maintained about them; and
- ❖ Contact information for the major credit reporting agencies, with information on how to place a fraud alert or security freeze.

Said notice may be by mail, telephone, or certain electronic means. Where the cost of providing notice will exceed \$50,000 alternative forms of notice are permitted.

The Board may postpone giving notice if a law enforcement agency advises that notice will impede a criminal or civil investigation, or homeland or national security. Moreover, if the accessed data was encrypted, notice need not be given unless the data was acquired in an unencrypted form or the security breach involved a person who had access to the encryption key and it is reasonably believed that the breach has caused or will cause identity theft or fraud to an employee.