

Urban Pathways K-5 College Charter School

Board of Trustees Policy

BREACH OF ELECTRONIC INFORMATION POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") recognizes the role that technology plays in its daily operations. As such, the security of the Charter School's electronic system and the prevention of a possible breach of electronic information is a priority of the Board. Therefore, the Board directs the CEO or his/her designee to create a data breach threat response team of qualified staff and/or authorized vendors to respond to incidences where the unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons from the Charter School's computerized systems, networks or other storage.

Definitions - 73 P.S. § 2302

"Breach of the security of the system." The unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the entity as part of a database of personal information regarding multiple individuals and that causes or the entity reasonably believes has caused or will cause loss or injury to any resident of this Commonwealth. Good faith acquisition of personal information by an employee or agent of the entity for the purposes of the entity is not a breach of the security of the system if the personal information is not used for a purpose other than the lawful purpose of the entity and is not subject to further unauthorized disclosure.

"Business." A sole proprietorship, partnership, corporation, association or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered or holding a license or authorization certificate under the laws of this Commonwealth, any other state, the United States or any other country, or the parent or the subsidiary of a financial institution. The term includes an entity that destroys records.

"Encryption." The use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.

“Entity.” A State agency, a political subdivision of the Commonwealth or an individual or a business doing business in this Commonwealth.

“Individual.” A natural person.

“Personal information.”

- (1) An individual's first name or first initial and last name in combination with and linked to any one or more of the following data elements when the data elements are not encrypted or redacted:
 - (i) Social Security number.
 - (ii) Driver's license number or a State identification card number issued in lieu of a driver's license.
 - (iii) Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.
- (2) The term does not include publicly available information that is lawfully made available to the general public from Federal, State or local government records.

“Records.” Any material, regardless of the physical form, on which information is recorded or preserved by any means, including in written or spoken words, graphically depicted, printed or electromagnetically transmitted. The term does not include publicly available directories containing information an individual has voluntarily consented to have publicly disseminated or listed, such as name, address or telephone number.

Notice

Following discovery of a breach of electronic information by the Charter School, the CEO or his/her designee shall ensure notice of the breach is provided to those whose information is reasonably believed to have been accessed and acquired by an unauthorized person. Unless advised by a law enforcement agency in writing, this notice of the breach shall be sent as soon as possible, and/or once the Charter School has assessed the breach in its entirety and taken necessary steps to prevent future breaches in this manner.

Notice may be provided by any of the following methods of notification:

- 1) Written notice to the last known home address for the individual.

- 2) Telephonic notice, if the individual can be reasonably expected to receive it and the notice is given in a clear and conspicuous manner, describes the incident in general terms and verifies personal information but does not require the individual to provide personal information and the individual is provided with a telephone number to call or Internet website to visit for further information or assistance.
- 3) E-mail notice, if a prior business relationship exists and the Charter School has a valid e-mail address for the individual.
- 4) (i) Substitute notice, if the Charter School can demonstrate one of the following:
 - a) The cost of providing notice would exceed \$100,000.
 - b) The affected class of subject persons to be notified exceeds \$175,000.
 - c) The Charter School does not have sufficient contact information.(ii) Substitute notice shall consist of all of the following:
 - (1) E-mail notice when the Charter School has an e-mail address for the subject persons.
 - (2) Conspicuous posting of the notice on the Charter School's Internet website.
 - (3) Notification to major Statewide media.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENTS.