Security Breach Notification Law - LB 876

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State of Nebraska
LB 876

- Who does it apply to?
  - Individuals
  - Businesses
  - Estates / Trusts
  - Government, governmental subdivision, agency
  - Any other legal entity, profit or not for profit
  - Basically EVERYONE
What is defined as a breach?

- “Unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality or integrity of personal information maintained by an individual or commercial entity.”
What does LB 876 consider Personal information?
First Initial / First Name + Last Name

AND

- Social Security Number (SSN); or
- Driver’s License or state identification card number; or
- Account number, credit or debit card number, in combination with any required security code, access code, or password; or
- Unique electronic identification number or routing code, in combination with any required security code, access code, or password; or
- Unique biometric data, such as fingerprint, voice print, or retinal or iris image.
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• How should I provide notice if a breach has occurred?
  • Written notice
  • Telephonic notice
  • Electronic notice
  • Substitute notice
    - cost will exceed $75,000
    - over 100,000 individuals affected
    - do not have sufficient contact information to provide notice
LB 876

• Substitute notice - cont’
  • Email notice to individuals with a valid email address
    Plus
  • Conspicuous posting of the notice on the entity’s web site
    Plus
  • Notice to ALL statewide media outlets
Management Incident Response Team

- People to consider being a part of your MIRT
  - Legal
  - Lines of Business Owners *(Mid-level Manager and up)*
  - Privacy Officer
  - CISO
  - Physical Security
  - Public Relations / Information Officer
Security Breach Do’s and Don'ts

• Be Decisive
  • Don’t be handing out business cards during an emergency
    • Build relationships now

• Communicate Early
  • Communication is your key to success.
    • Have key press releases / handouts prepared and have them approved by legal and upper management well in advance.
    • Consider who you will communicate with and how
  • Remember that most people will not have the same understanding as we have. CLEARLY spell out answers to common questions
  • Provide a mechanism for the public to communicate with you
Q & A