

**SCHOOLCRAFT COLLEGE**  
18600 Haggerty Road, Livonia, Michigan 48152-2696

**INSTITUTIONAL RESPONSE TO BREACH OF SECURITY**

**ASSEMBLY OF TASK FORCE AND ASSESSMENT OF BREACH**

In the event of a breach of security involving unauthorized access to College information, the President or his designee shall immediately convene a task force to manage the College's response. The task force shall include the Chief Information Officer, Vice President and Chief Financial Officer, Executive Director of Marketing and Communications, executive and administrative personnel in the areas potentially affected by the breach, appropriate Information Services personnel, and legal counsel.

The task force shall determine, as quickly as possible:

1. The extent of the breach and the unauthorized access
2. Whether the breach has been fixed and the unauthorized access terminated
3. Whether steps have been taken to assure similar breaches are unlikely
4. Whether information has been corrupted or merely accessed
5. The extent of the damage or access and whether it has been contained
6. The identity of the person or persons causing the breach
7. Whether notification is required by the Identity Theft Protection Act, MCL 445.72
8. Whether notification of other persons, institutions, or public officials is warranted.

The task force shall make decisions pertaining to next steps and shall allocate responsibility for implementation of the decisions. The task force shall meet as necessary to oversee the response of the institution to the event.

**DUTY TO NOTIFY OF BREACH**

Under the Michigan Identity Theft Protection Act 452 of 2004 as amended, if the College experiences a security breach that compromises the confidentiality of personal information and it is likely to cause substantial loss or injury to one or more persons, the College must provide notice of the security breach to residents of Michigan who meet one or more of the following:

1. The resident's unencrypted and unredacted personal information was accessed and acquired by an unauthorized person, or
2. The resident's personal information was accessed and acquired in encrypted form by a person with unauthorized access to the encryption key.

In determining whether a security breach is likely to cause substantial loss or injury to a person, the College shall act with the care an ordinary person or agency in a like position would exercise under similar circumstances.

### **PROVIDE NOTICE WITHOUT UNREASONABLE DELAY**

The notice must be provided without unreasonable delay. However, delay which is necessary to determine the scope of the security breach and restore the reasonable integrity of the database will not be deemed unreasonable.

### **MANNER OF GIVING NOTICE**

The Michigan Identity Theft Act (the Act) sets forth the types of notice permitted as follows:

#### **WRITTEN NOTICE BY MAIL**

Written notice may be sent to the recipient at the recipient's postal address in the records of the College.

#### **ELECTRONIC NOTICE**

Written notice may be sent electronically to the recipient if any of the following are met:

1. The recipient has expressly consented to receive electronic notice;
2. The College has an existing business relationship with the recipient that includes periodic electronic mail communications and based on those communications the College reasonably believes that it has the recipient's current electronic mailing address; or
3. The College conducts business primarily through internet account transactions or on the internet.

#### **TELEPHONE NOTICE**

Notice may be given by telephone if:

1. The notice is not given in whole or in part by use of recorded message,
2. The recipient has expressly consented to receive notice by telephone and
3. If the recipient has not consented to receive notice by telephone, the College provides notice either through the mail or electronically if the notice by telephone does not result in a live conversation between the College and the recipient within three business days after the initial attempt to provide telephonic notice.

#### **SUBSTITUTED NOTICE**

If the cost of notifying the individuals, either by mail, electronically or by telephone will exceed \$250,000 or notice must be given to more than 500,000 residents of the State of Michigan, substitute notice may be done by doing all of the following:

1. Provide electronic notice to those residents the College has an electronic mail address for,
2. Conspicuously post a notice on the College's website and
3. Notify major statewide media and include a telephone number or website address for obtaining additional assistance and information.

### **CONTENT OF NOTICE**

Notices in general must:

1. Be written in a clear and conspicuous manner,
2. Describe the security breach in general terms,
3. Describe the type of personal information which was accessed,
4. Generally describe what the College has done to protect the data from further security breaches,
5. Include a telephone number for additional information; and
6. Remind recipients to be vigilant of incidents of fraud and identity theft.

### **NOTIFICATION TO CONSUMER REPORTING AGENCY**

After the College provides notice to the individuals, the College shall without unreasonable delay, provide notification of the breach to each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. The notice must include the number of notices that the College provided to individuals and the timing of those notices. If, however, notice of the security breach is required to 1,000 persons or less in the State of Michigan, the College is not required to notify consumer reporting agencies.

### **PENALTIES FOR VIOLATIONS OF THE ACT**

If the College knowingly fails to provide notice of a security breach as required by the Act, it may be ordered to pay a civil fine of not more than \$250.00 for each person not notified. The aggregate liability for civil fines for multiple violations that arise from the same security breach shall not exceed \$750,000. Civil fines do not affect the availability of any civil remedy for a violation of state or federal law.

Approved—Cabinet  
March 17, 2009  
Revised—VP and CFO  
August 1, 2019