



## Breach of Computer Security System

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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**Reference Number:** MTAS-432

Municipalities that hold personal information in a computer system that is not lawfully available to the public must give notice of any breach of the system if personal information was, or is reasonably believed to have been, obtained by any unauthorized person. The disclosure must be made to the person or persons whose information was or might have been obtained. The law outlines the circumstances under which the notice must be made and the methods for giving the notice. T.C.A. § 47-18-2107.

All municipalities must create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by municipalities. Failure to comply creates a cause of action or claim for damages against the municipality if a citizen of the state proves by clear and convincing evidence that the citizen was a victim of identity theft due to a failure to provide safeguards and procedures regarding that citizen's confidential information. T.C.A. § 47-18-2901.

### ***Identity Theft Precautions***

The federal Fair and Accurate Credit Transactions Act of 2003 (FACTA), Public Law 108-159, requires utilities and other municipal departments that defer payments for services to take precautions to protect personal identifying information in their records. The municipality must have a policy that protects personally identifying financial and medical information and provide training on the policy.

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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