ECLEG MAY21 '13 AM10:05

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, MILLS, HARDWICK, RATH & LORIGO

Re: Investigating the Careless Release of Confidential Information by the Department of Social Services

WHEREAS, during the course of a recent audit of the Temporary Assistance for Needy Families program, the County Comptroller discovered that confidential records were routinely disposed of by depositing them in trash left for disposal; and

WHEREAS, as such, information such as social security numbers, bank account information, medical records and other sensitive information was routinely available just outside of the Rath Building, waiting on the curb for identity thieves; and

WHEREAS, since the County Comptroller reported this breach, the County Executive reports that corrective measures have been taken to ensure that the confidential and sensitive personal information of future applicants for public assistance is not carelessly handled in a way to reveal the information to individuals not entitled to possess the information; and

WHEREAS, the non-specific assurances are a good initial step toward correcting this unacceptable situation, however many questions remain regarding the impact of past careless handling of sensitive information; and

WHEREAS, for example, a discussion of the specific steps that have been taken to insure that personal information of future applicants for assistance is secure is necessary to respond to resident concerns and to evaluate the effect of the new policy on the budget; and

WHEREAS, also, it is important to understand how long the county has been carelessly disposing of records in this fashion; and

WHEREAS, further, clarifying whether the careless disposal of personal information is a county-wide problem or is limited to the Social Services Department is important to make sure that applicants for county services in all departments have their information protected; and

WHEREAS, knowing how many individuals have had their personal information exposed to release in this fashion is useful in determining the breadth of the problem; and

WHEREAS, likewise, determining whether these individuals have been notified that their information has been compromised would assist in determining what steps, if any, individuals should take to avoid negative consequences of the release of private information; and

WHEREAS, additionally, determining the current location of information that was left at the curb for disposal is necessary to make sure that information is not currently accessible; and

WHEREAS, moreover, knowing whether Erie County or any of its employees is subject to criminal or civil liability as a result of disposing personal information in a careless manner is important for personnel and budgetary reasons; and

WHEREAS, furthermore, understanding Erie County's current privacy policy will assist the Legislature in its oversight capacity; and

WHEREAS, the past disposal of personal information in a careless fashion cannot be corrected simply by changing policies going forward; and

WHEREAS, because the disposal of personal information in a careless manner has potential wide-reaching consequences to Erie County and its residents that have not been addressed in a satisfactory fashion, further thorough investigation of the breach is necessary, proper and responsible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature will conduct an investigation into the careless disposal of information by the Department of Social Services; and be it further

RESOLVED, as part of the investigation, the Erie County Legislature will require the attendance of a knowledgeable representative of the County Executive's administration, the Commissioner of Social Services, and other individuals whose testimony is deemed informative to the Legislature's inquiry; and be it further

RESOLVED, the Erie County Legislature will also request the testimony of the District Attorney and the County Attorney to discuss legal issues related to the careless disposal of personal information; and be it further

RESOLVED, the Erie County Legislature will complete its investigation by July 2, 2013; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, County Comptroller, District Attorney, County Attorney and Commissioner of Social Services.

Fiscal Impact: None.