



OFFICE OF THE STATE COMPTROLLER

*110 State Street
Albany, New York 12236
Phone: (518) 474-6011
Fax: (518) 474-5119*

Fax Transmission Cover Sheet

DATE: OCTOBER 27, 2006

TO: CONSUMER PROTECTION BOARD

FAX: (518) 474-2474

SUBJECT: SECURITY BREACH NOTIFICATION

FROM: Kevin King

Comments:

You should receive 4 page (s), including this cover sheet. If you do not receive all the pages, please call Linda Murphy at (518) 474-6011

CONFIDENTIALITY NOTICE: This transmission was intended solely for the individual or entity to which it is addressed and may contain information which is confidential or protected by privilege. If you are not the intended recipient, please contact the sender to arrange for the return or other disposition of the transmission. Pending disposition, you are requested not to review the transmitted materials; not to disclose or distribute them to anyone; and not to make, or allow to be made, any copies thereof. A lawyer may have a professional obligation to avoid examining confidential materials that inadvertently come into his or her possession, and should promptly contact the lawyer from whose office the materials were sent to arrange for their disposition (American Bar Association formal Opinion 92-368).

ALAN G. HEVESI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

October 27, 2006

NYS Office of Cyber Security and
Critical Infrastructure Coordination
Security Breach Notification
Fax: 518-474-9090

NYS Attorney General
Assistant Attorney General in Charge
Bureau of Consumer Frauds
120 Broadway - 3rd Floor
New York, NY 10271
Fax: 212-416-6003

Consumer Protection Board
Security Breach Notification
Fax: 518-474-2474

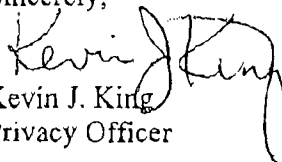
Dear Sirs:

Attached hereto please find the Reporting Form advising you of a "breach of the security of the system" concerning "private information" maintained by the Office of the State Comptroller, in accordance with the requirements of the Information Security Breach and Notification Act (Section 208(7) of the State Technology Law).

As set forth in the Reporting Form, due to a malfunction of the computer operating system (which has since been corrected) a representative of the human resource department of a public employer, submitting monthly reporting information to the New York State and Local Retirement System via the Internet, was able to view the personal information of six employees of two other public employers maintained in the system. The personal information included the name and Social Security Number of the affected individuals. This Office has sent written notification to the affected individuals (a copy of which is attached).

If you have any questions concerning this matter, please feel free to contact me at (518) 474-3997.

Sincerely,


Kevin J. King
Privacy Officer

Reporting Form
For Business, Individual or NY State Entity reporting a
“Breach of the Security of the System”
Pursuant to the Information Security Breach
and Notification Act (General Business Law §889-aa;
State Technology Law §208)

Name of Business, Individual or State Entity:
New York State Office of the State Comptroller
Date of Discovery of Breach: October 23, 2006
Estimated Number of Affected Individuals: 6
Date of Notification to Affected Individuals: October 27, 2006
Manner of Notification: written notice
 electronic notice (email)
 telephone notice

Are you requesting substitute notice? Yes No (If yes, attach justification)

Content of Notification to Affected Individuals: Describe what happened in general terms and what kind of information was involved. Please attach copy of Notice.

Due to a malfunction of the computer operating system (which has since been corrected) a representative of the human resource department of a public employer, who was in the process of submitting monthly retirement reporting information to the New York State and Local Retirement System via the Internet, was able to view the personal information of six employees of two other public employers maintained in the system. The personal information included the name and Social Security Number of the affected individuals. This Office has sent written notification to the affected individuals (a copy of which is attached).

Name of Business or Individual Contact Person: Laura Anglin
Title: Deputy Comptroller
Telephone number: (518) 474-2600
Email: www.osc.state.ny.us/retire

Dated: October 27, 2006
Submitted by: Kevin J. King
Title: Privacy Officer
Address: Office of the State Comptroller, 110 State Street, 14th Floor, Albany, NY
 12236
Email: kking@osc.state.ny.us
Telephone: (518) 474-3997
Fax: (518) 474-5119



Office of the New York State Comptroller
Alan G. Hevesi
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Phone: 518-474-2600
Fax: 518-486-3117
E-mail: langlin@osc.state.ny.us
Web: www.osc.state.ny.us/retire

Laura L. Anglin, Deputy Comptroller

October 27, 2006

Dear Mr.

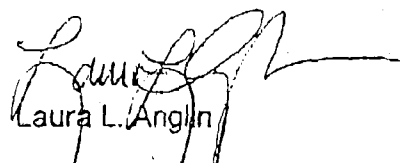
The New York State and Local Retirement System maintains personal information for our members that is relevant and necessary for us to accomplish our purpose of providing retirement benefits. While we are very aware of our responsibility when handling member's personal information, there are unfortunately, instances where a member's personal information may be inadvertently viewed by an unauthorized individual. In such a case, the Comptroller has directed that we provide notice of any such incident to each individual potentially affected.

For the past several years, participating employers have been able to utilize our Retirement Internet Reporting (RIR) program to submit monthly reports with their employees' service, salary and contribution information via the Internet. This is done through a secure database and no one outside of the employer and the Retirement System is able to view this information. We were notified on October 23 by one of our employers, the Fairport Urban Renewal Agency that when they utilized the RIR program, they were able to view your personal information, including your Social Security number.

Protecting the confidentiality of personal information in the possession of the Retirement System is among the Comptroller's highest priorities. We believe the likelihood for identity theft to be minimal due to the fact that it was viewed by a human resources professional in the offices of one of our employers who then took the time to contact our office immediately to notify us of the error. However, this does not relieve us of our responsibility to notify you of the incident.

If you have any questions, please do not hesitate to contact the Office of the State Comptroller at (518) 474-2600, email the Retirement System through our website at www.osc.state.ny.us/retire, or write to me directly at the New York State Comptroller's Division of Retirement, 7th floor, 110 State Street, Albany, New York 12224.

Sincerely,


Laura L. Anglin

LLA/MD