GUIDANCE DOCUMENT

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.
The Nebraska Department of Banking and Finance ("Department") sets forth Statement of Policy #18 regarding a Financial Institution’s Response Program to a data security breach and the notification to the Department of a data security breach.

All Financial Institutions shall have in place a written Response Program detailing the institution’s prescribed method of handling an unauthorized access to customer information. The Response Program will be reviewed by Department Examiners as a part of a Financial Institution’s regular examination.

At such time as a Financial Institution becomes aware of an incident involving unauthorized access to, or use of, sensitive customer information, the institution shall immediately notify the Department of the apparent security breach and the Financial Institution shall review Neb. Rev. Stat. §§ 87-801 – 87-807 (the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006). If an incident requires customer notification, the Department shall be provided one sample copy of the customer(s) notice or other documentation. This notice shall be provided to the Department prior to, or simultaneously with, the customer(s) receiving the notice.

If an incident requires a filing of a Suspicious Activity Report ("SAR"), a copy of the SAR must be timely delivered to the Department.

Original Issue Date: June 1, 2005

Revision Date: March 31, 2016