

GUIDANCE DOCUMENT

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STATEMENT OF POLICY #18

RESPONSE PROGRAM/NOTIFICATION UNAUTHORIZED ACCESS TO CUSTOMER INFORMATION

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.

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