

# the PACOG News

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## PACOG

**Linda Costa**, Executive Director & Newsletter Editor  
 2941 N. Front Street  
 Harrisburg, PA 17110  
 Phone: 717-236-9526 Ext. 1028  
 Fax: 717-695-4449  
 Email: [costa@boroughs.org](mailto:costa@boroughs.org)

## The Importance of Data Security for Local Governments

Municipalities and local governments are common prey for cyber criminals. A hacker can trick a municipal employee into opening a dangerous email. When the email is opened, a virus spreads through the municipality's computer network and computers and servers become locked, preventing officials from accessing municipal data.

A municipality is an attractive target for malicious hackers since local governments collect and maintain files of private and confidential information about their residents. A municipality can also have traffic control, emergency notification, and infrastructure data on their computers.

Most data exposure happens not due to theft, but through ordinary loss or inadvertent exposure. These data breaches can result in significant costs and consequences for municipalities, including legal obligations and liabilities for local governments. Even if information has not been stolen or used for fraud, its mere exposure triggers legal obligations and liabilities for local governments. The primary legal obligation is that when a data breach occurs it is the duty to notify all individuals whose records were exposed.

Personal information (also known as PII- Personally Identifiable Information) is most commonly defined to include an individual's name, in combination with any of the following: (1) Social Security number; (2) driver's license or state identification number; or (3) financial account information, such as credit or debit card or bank account numbers, in combination with a security code or password. That definition has been broadened to encompass other categories, including medical information and biometric data such as fingerprints and retina images.

Personal information should NEVER be sent via email either in the body of the email or as an attachment. Likewise, copies of checks should never be sent via email. Email is NOT secure.

Generally, an entity storing computerized data is required by their state data breach notification laws to provide notice whenever it discovers or reasonably believes that unauthorized persons have accessed and acquired unencrypted files containing un-redacted personal information.

While notification alone can be expensive, a municipality is also likely to incur the costs of IT investigation and repair services, attorneys' fees, and credit monitoring for effected individuals. On average, responding to a data breach costs \$80 per individual record exposed. This is not including the costs of any future litigation resulting from the breach.

Municipalities must proactively seek to limit the risks of data breaches by training and education, security assessments and IT support, and strong data security policies. Local governments should have a data breach response plan which includes details for contacting law enforcement, retaining outside counsel, determining notification obligations, documenting response steps, and addressing public relations.

Insurance for data breaches is a must, and nearly all general commercial liability policies disclaim liability for data breaches. Coverage under a cyber-liability policy should include the costs of forensic analysis, repair of systems, data breach notifications, offers of credit monitoring, and, if necessary, legal defense of claims arising from a breach.

For municipal governments, the wealth of personal information they must collect and maintain about their residents requires that substantial attention be devoted to the security of their computer networks and to preparation for the creeping inevitability of a data breach. Be prepared!!

NOTE: Devin will be speaking at the PACOG Annual Conference October 15, 2022 at the Wyndham Gettysburg Hotel.

*Devin Chwastyk, CIPP/US, is chair of the Privacy & Data Security group at McNeese Wallace & Nurick. Christian Wolgemuth is an associate in the firm's Privacy & Data Security Group. They counsel the firm's clients with regard to privacy issues, including the development of data security policies and data breach response plans. They also assist clients in responding to data breaches, including in rectifying, investigating, and reporting hacking and other data exposure events.*

## **Department of Homeland Security**

The Department of Homeland Security (DHS), Cybersecurity and Infrastructure Security Agency (CISA), Federal Bureau of Investigation (FBI), Pennsylvania State Police, Criminal Intelligence Center PaCIC) and the Office of Homeland Security hosted an unclassified "Shields Up Pennsylvania" briefing for homeland security, public safety, information technology, and private sector stakeholders. Every organization, both large and small, must be prepared to respond to disruptive cyber incidents.

Russia's invasion of Ukraine could impact organizations both within and beyond the region, to include malicious cyber activity against the U.S. homeland, including as a response to the unprecedented economic costs imposed on Russia by the U.S. and our allies and partners. Intelligence seems to indicate that the Russian government is exploring options for potential cyber attacks.

The webinar promoted security and resilience across PA through ensuring stakeholders are enabled with relevant resources and avenues for seeing assistance.

For additional information, go to the Cybersecurity Infrastructure Security Agency (CISA) website at [www.cisa.gov/shieldsup](http://www.cisa.gov/shieldsup) up for cyber security updates, guidance for all organizations, recommendations for leaders, ransomware response, steps to take to keep cyber safe, and a listing of valuable resources.

## COG Talk... What's Happening in Our COGs?

**Moshannon Valley COG** will host its 15<sup>th</sup> Annual Equipment Show and Training on Wednesday, May 25<sup>th</sup>, from 9 am to 3 pm at the Clearfield County Fairgrounds. After being canceled for 2 years due to COVID-19, the COG is gearing up for a great show. There will be product and equipment demonstrations, certified flagger training, and other training sessions. There will also be a hands-on Backhoe Rodeo. The last show was attended by local government officials and employees from 13 different counties, with 48 exhibitors. There is no cost to attend, but registration is required. The registration deadline is May 13<sup>th</sup>. Contact Lorie Rowles at [moshannonvalleycog@gmail.com](mailto:moshannonvalleycog@gmail.com) for more information.

**Beaver County Regional COG** is involved in the use of American Rescue Plan funding to help subsidize the cost of public safety radios for Police, Fire, and EMS agencies by covering 80% of the purchase price. The COG also heard a presentation by Neil Berger of Pacer Studios about the value of marketing and promotion of communities. **Bethany Williams, Executive Director of the Beaver County Regional COG**, left her position as COG Director on April 1, 2022, to become the Local Government Policy Specialist for Southwest PA in the Department of Community and Economic Development (DCED). She has received special permission to continue working with the Public Safety Committee and the Local Government Conference planning group, from her new role in an advisory capacity.

**Western Chester County COG** representative John McHugh, from Honey Brook Township, was interviewed for the PSATS Township News, and shared that the digital and/or print versions of association magazine makes it easy to forward information to fellow supervisors.

**Turtle Creek Valley COG Executive Director Amanda Settelmaier** is also the Administrator of the Allegheny County Southeast Tax Collections Committee, which is responsible for overseeing the fair and efficient tax collection of Earned Income Tax in that district. They are the only tax collections committee in Allegheny County that has a website.

**Capital Region COG (CapCOG)** 2022-2023 joint bids were awarded and ratified by the Board of Delegates and contracts were sent to the successful vendors. The contract period is April 1, 2022 through March 31, 2023. The COG is partnering with PSA:TS to offer Flagger Training. CapCOG also is continuing with its implementation efforts for the \$2.3 million SAFER (Staffing for Adequate Fire and Emergency Response) Grant they received from FEMA (federal Emergency Management Agency) to increase recruitment and retention efforts for volunteer fire departments.

The **Erie Area COG (EACOG)** was founded in 1993 as a voluntary association of Erie County municipalities to improve the lives of Erie County residents through multi-municipal projects, programs and services. The role of the EACOG is to: serve as a spokesperson for municipalities; advocate for regional priorities and policies; assemble elected officials; coordinate regional programming; facilitate effective communication between municipalities; and provide staff support for key initiatives. The COG offers municipal training workshops on various topics, joint bidding/purchasing, joint cable franchise agreement negotiation, and the Erie County Signing Region Trust (ECSRT) which is contracted by PennDOT to administer the tourist oriented Right of Way signage program for State Routes and local roads throughout Erie County.

## Governor's Award for Safety Excellence

Providing a safe work environment for Pennsylvania's workers requires complete commitment by employers and employees. The annual Governor's Award for Safety Excellence recognizes outstanding prevention programs and the superior efforts that make these programs so successful. The program should have an impact on reducing employee injuries, financial savings and other achievements. The Pennsylvania Department of Labor and Industry sponsors this highly competitive award. Any Pennsylvania employer is eligible for the award. To download the nomination form go to the Governor's Award for Safety Excellence (GASE) webpage, or email GASE coordinator Barbara White, at [barabawhite@pa.gov](mailto:barabawhite@pa.gov).



## Pennsylvania Congressional Redistricting

The Pennsylvania State Supreme Court unanimously upheld the Commonwealth's new legislative maps, locking in district lines for the next decade. The PA Supreme Court found that the new lines, which were approved in a bipartisan vote last month, are constitutional, and dismissed nine separate challenges to the proposed House and Senate plans. The maps will be used until 2032.

The Legislative Reapportionment Commission, a five-person panel composed of top party leaders and chaired by an independent member, Mark Nordenberg, had been tasked with drawing Pennsylvania's new state House and Senate districts - based on the results of the 2020 U.S. Census data. This process, commonly referred to as redistricting, is designed to ensure equal and fair representation, and the physical manifestation of the constitutional principle, "one person, one vote."

The new lines have been a subject of controversy, which is why it went all the way to the PA Supreme Court. The redraw was needed to match the shift of state population from west to east, expand minority communities' voices, and reduce the number of county and municipal splits. The redraw was also needed since, based on the 2020 census, Pennsylvania lost one of their congressional districts, and went from 18 congressional districts to 17 districts.

## 2020 Census Count Question Resolution Operation

The Census Question Resolution (CQR) operation gives state and local governmental units the opportunity to request that the Census Bureau review their boundaries and/or housing counts to identify errors that may have occurred while processing their [2020 Census counts](#). This review helps ensure that housing and population counts are allocated to the correct 2020 Census blocks.

CQR can only review data collected and processed during the 2020 Census. It does not collect new data or conduct a recount. If the review process finds errors related to geographic boundaries or housing placement, housing and population counts will be corrected and the revised counts will be redistributed.

Per federal law, the Census Bureau cannot update 2020 Census results through the CQR operation — or any other operation. However, CQR can correct errors that occurred when processing information that was collected during the census and redistribute a certified, revised count to affected governmental units.

If the Census Bureau makes any corrections based on a CQR review:

- It will not change apportionment counts, redistricting data, 2020 Census counts, or any other 2020 Census data products.
- Tribal, state, and local areas will have higher quality information throughout the decade.
- The Census Bureau will use the corrected counts in the baseline used to calculate its annual [population estimates](#).
- Corrected counts can help governments plan and apply for future funding.
- Governments with questions about their counts can request a CQR review in the following situations:
  - **Boundary cases.** CQR can review the legal boundaries in effect for governmental units as of January 1, 2020. It can also review the associated addresses affected by the boundaries.
  - **Housing count cases.** CQR can review the geographic location or placement of housing and its associated population. It can also review 2020 census results to determine whether census processing error(s) excluded valid housing and associated population data.
  - **Both** boundary and housing count cases.

CQR does not review population counts for group quarter facilities such as nursing homes, college/university student residence halls, or correctional facilities.

If you have questions regarding 2020 Census CQR, call 1-888-369-3617 or send an email to [dcmd.2020.cqr.submissions@census.gov](mailto:dcmd.2020.cqr.submissions@census.gov).

### Enacted Legislation

- **Act 15 of 2022** -amends the **Open Space Law** to allow municipalities to use the 25% of funds currently earmarked for maintenance and development under the “open space tax,” regardless of the method of acquisition or purchase of land serving an “open space benefit.”
- **Act 17 of 2022** - amends the **Local Tax Enabling Act** aligning the deadline to file local earned income taxes with the PA Department of Revenue deadline.
- **Act 18 of 2022** - amends the **Public Contract Bid Nonreceipt Act** to apply to contracts for services, as well as the current law of commodities and property.

### Pending Legislation

- **SB 698** – would **allow for county-wide public safety authorities** to be established to help support our current fire and ambulance services collectively
- **SB 802**- would **prohibit local governments from hiring lobbyists, lobbying firms or political consultants to represent a local government before agencies of the General Assembly.**
- **HB 860** – would require **all rental properties in PA to install 10-year, tamper-resistant smoke alarms** in rental dwellings when a new tenant comes in, a smoke alarm is replaced, or a new alarm is installed.
- **HB 1322** – would allow a **1% sales tax on goods sold to fund fire and ambulance services.**
- **HBs 2404 through 2410** – **eight bills that are part of a comprehensive stream maintenance and flood damage prevention package.**
- **HB 2321** – would provide **grant money to build sustainable community safe houses so that residents would have shelter in case of natural disaster.** It would allow counties, municipalities, and Councils of Governments to apply for grants to develop and maintain community buildings powered by and storing green energy. Since these buildings would be powered by renewable energy backup systems, these community safe houses would remain operational even when the power in the community goes out.
- **HB 2466** – known as the “**Protecting Workers from Secondhand Smoke Act**’ would **eliminate loopholes in the Clean Indoor Air Act** that can expose workers to cancerous secondhand smoke (e.g. casinos, private clubs and certain other drinking establishments, expand the definition of smoking to include e-cigarettes, and give all localities the ability to enact smoke-free ordinances that are more protective than state law.





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# **46TH ANNUAL CONFERENCE**

**“Learn from the Past. Focus on the Future.”**

**October 14-15, 2022**

**Wyndham Gettysburg Hotel**

