

MIDCITIES METROPOLITAN DISTRICT NO. 2

RESOLUTION NO. 2019-02-01

A RESOLUTION ADOPTING A CONSUMER DATA PRIVACY POLICY

WHEREAS, the Midcities Metropolitan District No. 2 (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, Article 73, Title 24, of C.R.S. regarding security breaches and personal information enacted by H.B. 18-1128, the “Protections for Consumer Data Privacy” Act (the “Act”), requires governmental entities to: (i) develop a written policy for the destruction and proper disposal of paper and electronic documents that contain personal identifying information; (ii) maintain reasonable security procedures for personal identifying information; and (iii) notify Colorado residents following a security breach; and

WHEREAS, the Board of Directors (“Board”) of the District hereby finds that, in the course of its business, the District from time-to-time maintains “personal identifying information” or “personal information” as defined by the Act and is therefore subject to the requirements of the Act; and

WHEREAS, the Board hereby finds and determines that adopting a consumer data privacy policy (“Policy”) in compliance with the Act is appropriate and necessary to the function and operation of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Midcities Metropolitan District No. 2 as follows:

1. Preambles Incorporated. The preambles to this Resolution are hereby incorporated into this Resolution as if set out fully herein.

2. Consumer Data Privacy Policy.

(a) Definitions:

(i) “Personal Identifying Information” means a social security number; a person identification number; a password; a pass code; an official state or government-issued driver’s license or identification card number; a government passport number; biometric data as defined in C.R.S. § 24-73-103(1)(a); an employer, student, or military identification number; or a financial transaction device as defined in C.R.S. § 18-5-710(3).

(ii) “Personal Information” means information, including Personal Identifying Information, associated with a Colorado resident as defined and limited by C.R.S. § 27-73-103(1)(g)(I) and (II).

(iii) “Third-Party Service Provider” means a third-party entity, contractor, subcontractor, or other person that has been contracted to maintain, store, dispose of, destroy, or process Personal Identifying Information or Personal Information or both on behalf of the District.

(b) **Destruction/Disposal Policy**: Unless required by State of Federal law or regulation, the District and the District’s Third-Party Service Providers are required to destroy or arrange for the destruction of such paper and electronic documents within its custody or control that contain Personal Identifying Information when no longer needed by shredding, erasing, or otherwise modifying the Personal Identifying Information in the paper or electronic documents to make the Personal Identifying Information unreadable or indecipherable through any means. The District may rely upon the State Archivist’s Records Management Manual for purposes of determining when a document is no longer needed and may be destroyed pursuant to this Policy.

(c) **Security Measures**: The District shall protect Personal Identifying Information from unauthorized access, use, modification, disclosure, or destruction by implementing reasonable security procedures and practices, including, but not limited to, the following:

(i) limiting individual access to Personal Identifying Information to the minimum level necessary to accomplish their responsibilities;

(ii) modifying or terminating an individual’s access to Personal Identifying Information when the individual’s job responsibilities change, new or upgraded application software allows greater control of application access, or the individual’s association with the District has been terminated;

(iii) monitoring system logins, file access, and security incidents associated with Personal Identifying Information stored on or transmitted by the District’s computer systems; and

(iv) ensuring that reasonable and appropriate education procedures are in place for all individuals with access to Personal Identifying Information in accordance with the District’s policies and applicable laws and regulations.

(d) **Third Party Service Providers**: All existing, prospective, and future Third-Party Service Providers of the District are hereby notified of this Policy and shall be subject to the terms thereof. By providing services or continuing to provide

services on behalf of the District, any Third-Party Service Provider acknowledges and affirms that it implements and maintains reasonable security procedures and a written policy for destruction of Personal Identifying Information and Personal Information as required by this Policy as a legislative measure of the Board and by the Act, whether codified in Title 24 or Title 6, C.R.S.

(e) **Notification of Security Breach:**

(i) If the District becomes aware that a security breach of Personal Information about a resident of Colorado may have occurred, the District shall conduct in good faith a prompt investigation in accordance with C.R.S. § 24-73-103(2) to determine the likelihood that such Personal Information has been or will be misused.

(ii) Unless the District's investigation determines that the misuse of Public Information about a resident of Colorado has not occurred and is not reasonably likely to occur, the District shall give notice to the affected Colorado residents in accordance with the procedures, timing, and method of notice as required by C.R.S. § 24-73-103(2).

3. Records Management Manual/Open Records. The purpose of this Policy is to supplement and not replace the State Archivist's Records Management Manual, as amended from time-to-time, or any other Resolution of the Board

4. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution or Policy is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

5. Effective Date. This Resolution and Policy shall take effect and be enforced immediately upon its approval by the Board and be implemented and administered to conform with the Act, as may be amended from time to time.

ADOPTED this 7th day of February, 2019.

MIDCITIES METROPOLITAN DISTRICT NO. 2

By

Douglas G. McCormick, Chairman

Attest:



David Solin, Secretary