

INFORMATION REQUEST RE: INFORMATION STORAGE AND DATA BREACHES

Dear Employer:

For purposes of bargaining over any potential data beach, please provide the following information:

1. Provide copies of all software that the company maintains or uses in order to prevent cyber-attacks, hacking or any unauthorized use of the employer's electronic systems.
2. Provide a list of all manufacturers, distributors, and/or software providers that maintain, edit and/or provide software or updates to software along with the frequency of the updates. For each entity, provide the contact person and a copy of any agreement with that entity.
3. A list of all attempted, failed, and/or successful cyber-attacks, hacking or data breaches of which the company is aware for the last five years and provide a statement of the response of the employer to any such incident, if any. If no response was made by employer, please provide any memorandum and/or documentation prepared as to why no response was taken. Provide any internal or external reports regarding each incident. If authorities or governing bodies were notified, provide copies of those notifications.
4. Provide a copy of any plan the employer has to deal with any data breach.
5. Provide a copy of any report from any experts, consultants, or others regarding the employer's data security systems.
6. Provide copies of all computer software or programs that are maintained or used by the company that contain any information about the employees. Provide information regarding data storage of this information, including backup storage systems, data retention policies, and access to the review and revision of such data. Provide information as to who is currently authorized to view, edit and make changes to such data, including names, job titles, and how such data is accessed by each of these individuals. Provide information regarding access controls implemented by you to ensure that unauthorized access is not given to individuals not authorized to view, edit and make changes to such information. Provide information about whether data has been shared, transmitted, or turned over to any individual, authorities, government agency, or commercial entity. Please also provide a copy of any computer software that contains methods to avoid data breaches of that information.
7. Please provide the same information for all entities which provide software or programs described in question 6 above which are requested in question 2 above.

The Union will want to bargain about the data that the company stores and how long it stores that data concerning the employees. Obviously, the less data that is stored and the shorter period for which it is kept, the less likelihood there will be damage to employees if there is a data breach. For this purpose:

1. Please provide a copy of all company document or data retention policies.
2. Please also provide a complete list of all data that is retained that concerns, mentions or relates to employees.
3. Please also provide the reasons why each item of data is stored for each employee.
4. Provide the length of time for storage of information for employees who leave their employment.

After we receive this information, we will want to bargain about these issues.

We request that the employer, among other things, will provide immediate notice of any data breach or potential data breach to the Union. We also expect the employer will agree to the remedies in case there is a data breach. Those remedies will include monetary payments to the employees who have been affected, payment to the employees of any costs they incur, including the time they spent resolving data breaches or the loss of identity, and ongoing consumer protection.

We may propose that the employer pay for a service to monitor the identity and credit rating of each employee because of the employer's record of data breaches or lack of preparedness.

We look forward to bargaining with the employer over these issues.