



2025 MAY 8 10:48

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

May 8, 2025

Michael C. Breeden
Chief Information Officer
Division of Information and Support Services
Edward A. Rath County Office Building
95 Franklin Street, Room 1500A
Buffalo, New York 14202

Re: Data Disclosure In External Audit of Erie County Clerk's Office

Dear Mr. Breeden:

I write concerning the improper disclosure of sensitive information from the Erie County Clerk's Office. As I understand it, access to this information was provided by the Division of Information and Support Services ("DISS") to the County Attorney, who is now in the process of disclosing it to Weaver as part of the ongoing external audit of the County Clerk's Office. This access and disclosure was given without any notification or consent by the County Clerk's Office, and arguably without any legal basis. I do not need to remind you that the sharing of private facts and sensitive information contained in confidential records could lead to legal challenges, and have a chilling effect on the public's view of unregulated access to systems and databases.

Candidly, it appears that DISS has confused the maintenance and storage of County data with having unprotected and unlimited access to confidential records. The digital access being provided by DISS to the County Attorney and in turn is comparable to someone breaking into the Clerk's Office and emptying out our filing cabinets. That action would certainly not be legal or tolerated, and neither should this unauthorized digital access.

As the Chief Information Officer of DISS, you are appointed and serve at the pleasure of the County Executive. Having unchecked access to confidential information and the ability to give third-parties the same access could be considered an invasion of the public's privacy, even unintentionally, and may cause privacy and security risks. Access to this data could even be weaponized against perceived political opponents of the current administration.

I note that you were not elected by the public and do not have the authority to release data without clear and predicable rules and legal authority. Your staff has not been vetted to review confidential information, nor did DISS have unregulated access to Clerk's Office files without our approval or agreements with the proper New York State agencies.

Given that neither Weaver nor the Law Department liaisons were able to provide any further information on my request for transparency on this data disclosure, I am asking you now:

- Who made this request to DISS, and how was it made?
- Did DISS ask anyone why such a request was being made?
- When did the Law Department receive access to this data from DISS?
- Why wasn't the Clerk's Office told that this request was made?
- If this data from a former employee was able to be produced without any judicial subpoena or order, does that mean that all such data is available from any County employee, even independently-elected officials?
- What legal basis did DISS have in turning over access to County Clerk data to the Law Department and/or Weaver?

As of now, it is my understanding that the data has not yet been provided to Weaver. However, it is clear the data has, at a minimum, been provided to the Law Department. To our knowledge, no individual in the County Attorney's Office has an agreement with DCJS or any other documented statutory authority. Please immediately provide a list of what other agencies or individuals have been given access to these records. Our Office is contractually obligated to report any suspected data breaches.

Very truly yours,



MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Cc: Erie County Legislature