

Robinson+Cole

Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks



CYBERSECURITY

[Cisco Releases Midyear Cybersecurity Report](#)

We continue to try to alert our clients about the changing threat landscape in cybersecurity. We keep saying how the threats are becoming more sophisticated and more frequent, and that companies must acknowledge and address the threats as a high priority. Cisco publishes [cybersecurity reports](#) that outline the threats to businesses and information relating to the techniques used to compromise data systems. In its midyear Cybersecurity Report, released yesterday (September 6, 2017), the similarities between our alerts and its findings are sobering. [Read more](#)

[Beware of Fundraising Scams Following Hurricane Harvey](#)

Following the catastrophic flooding caused by Hurricane Harvey in the Gulf Coast, many local and national nonprofits quickly mobilized to respond to survivors' immediate needs and began planning for the long-term recovery of affected communities. There has been an amazing outpouring of support for the relief efforts from donors across the country, as volunteers are working on the ground to get help and supplies to those in need. Unfortunately, as often happens following a major disaster, fundraising scams seeking to capitalize on the relief efforts have become all too common.

The [Federal Trade Commission](#) (FTC), the [Internal Revenue Service](#) (IRS), and the [United States Computer Emergency Readiness Team](#) (US-CERT) have all issued advisories warning of potential scams related to Hurricane Harvey. Potential donors should not be dissuaded from giving, but should be aware of the types of scams they may encounter and strategies to avoid falling victim. [Read more](#)

[FDA Recalls St. Jude Medical Pacemakers for Cybersecurity Patches](#)

The Food and Drug Administration (FDA) has issued a [recall](#) of 465,000 St. Jude Medical pacemakers in order to push a mandatory firmware patch of vulnerabilities in six types of radio controlled cardiac

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pacemakers. [Read more](#)

HEALTH INFORMATION

[FDA Issues Final Guidance For Medical Device Exchange of Patient Information](#)

The Food and Drug Administration (FDA) issued guidance yesterday (September 6, 2017) entitled “Design Considerations and Pre-Market Submission Recommendations for Interoperable Medical Devices,” which is intended to “assist industry and FDA staff in identifying specific considerations related to the ability of electronic medical devices to safely and effectively exchange information and use exchanged information.” [Read more](#)

HIPAA

[HHS Issues Limited Waiver of HIPAA Sanctions Post-Hurricane Harvey](#)

The U.S. Department of Health and Human Services (HHS) has used its authority to [waive](#) certain provisions of HIPAA in response to Hurricane Harvey. HHS previously declared a public health emergency in Texas and Louisiana related to the hurricane and its aftermath. Under the waiver, HHS waives sanctions against covered hospitals that do not comply with HIPAA requirements to distribute a notice of privacy practices; obtain a patient’s agreement in order to speak with family and friends; and honor a request to opt-out of a facility directory. HHS also waived sanctions against covered hospitals that do not comply with a patient’s right to request privacy restrictions or confidential communications. [Read more](#)

ENFORCEMENT + LITIGATION

[Lenovo Agrees to Settle Data Security Case with FTC and 32 AGs](#)

The Federal Trade Commission (FTC) announced on September 5, 2017, it has settled with Lenovo regarding allegations that Lenovo “harmed customers by pre-loading software on some laptops that compromised security protections in order to deliver ads to consumers.”

According to the FTC’s complaint against Lenovo, it pre-loaded “man in the middle” software, VisualDiscovery, that “interfered with how a user’s browser interacted with websites and created serious security vulnerabilities.” According to the FTC, without consumers’ consent, the VisualDiscovery software was allowed to access consumers’

sensitive information without their consent or knowledge as the consumer was browsing the Internet, including login credentials, Social Security numbers, medical information, financial information, and personal information. [Read more](#)

DRONES

[Civilian Drones Asked to Stay Out of the Sky During Hurricanes](#)

For years, drones have been used to support recovery efforts in the aftermath of floods and other disasters, and the aftermath of Hurricane Harvey is proving to be no different. We suspect that the same will be true following the wake of Hurricane Irma, which is bearing down on the Southeast, but not without some restrictions. Drones can go on missions that would be too dangerous or costly for humans to attempt, including inspecting flooded buildings, the condition of critical infrastructure, and to search for missing persons. According to *USA Today*, the Federal Aviation Administration (FAA) authorized 43 drone operators post Harvey, ranging from news organizations to insurance companies. In addition to insurance companies and news organizations, the FAA has authorized drone use for eight railroad companies and five oil energy companies to assess the damage to their various facilities and properties. [Read more](#)

PRIVACY TIP #104

[Scammers Prey on Hurricane Victims](#)

It has been so difficult to watch the news reports of the devastation and havoc left in the wake of Hurricane Harvey, and now anticipated this weekend by Hurricane Irma, which is being reported as the most powerful storm to hit the Caribbean and the southeast in almost a century.

Not only do those who live in the path of these hurricanes have to worry about basic survival, but now there are reports that they are being victimized by scammers.

According to the Federal Emergency Management Agency (FEMA) and the Federal Trade Commission (FTC), homeowners and renters are receiving robocalls from fraudsters who tell them their flood insurance premiums are late, that they have to pay up now or they will not have insurance for the hurricane. What a frightening scenario for anyone watching the weather and the hurricanes bear down on their communities. These scammers are preying on people who are vulnerable and are asking for payment immediately.

If you get a call like this, the FTC recommends the following:

- Don't pay over the telephone

- Contact your insurance agent
- If your agent can't help you, call your insurance company
- If you have a policy with the National Flood Insurance Program (NFIP Direct), call 1-800-638-6620
- If you suspect fraud, call the FEMA Disaster Fraud Hotline (how sad is it that FEMA has a disaster fraud hotline?) 1-866-720-5721
- Report it to the FTC

Our support is with all of the hurricane victims during this difficult time.

Boston | Hartford | New York | Providence | Stamford | Albany | Los Angeles | Miami | New London | rc.com

Robinson & Cole LLP



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