

**Robinson+Cole**

## Data Privacy + Security Insider

Leveraging Knowledge to Manage Your Data Risks



### ENFORCEMENT + LITIGATION

#### [Data Breach Class Action Case Dismissed against Barnes & Noble](#)

A federal judge in Illinois dismissed the class action lawsuit filed against Barnes & Noble stemming from a data breach in 2013. The breach occurred when credit and debit card PIN pads were compromised at 63 Barnes & Noble stores. [Read more](#)

#### [DOJ Charges Defense Contractor with Removal and Retention of Classified Materials](#)

Yesterday, the Department of Justice (DOJ) announced that it has charged a Maryland man, Harold Thomas Martin III, with theft of government property and unauthorized removal and retention of classified materials by a government employee or contractor. After searching Martin's home, storage sheds, vehicle, and person, federal agents discovered paper documents, digital information stored on various devices, and removable media that were marked "Top Secret and Sensitive Compartmented Information" were found. U.S. government property with a value in excess of \$1,000 was also recovered. [Read more](#)

### CYBERSECURITY

#### [New NIST Study Shows Risks of Security Fatigue](#)

The National Institute of Standards and Technology (NIST) recently published a new article that finds most typical computer users experience security fatigue, which leads them to engage in risky behavior when they are at work and at home. [Read more](#)

#### [The Cyber Regulation Drops](#)

On September 13, 2016, Governor Andrew Cuomo announced the first proposed broadly applicable cyber regulation in the U.S.

October 6, 2016

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(Regulation). The Regulation covers banks, insurance companies, and other financial institutions (Covered Entities) regulated by the New York Department of Financial Services (DFS). If adopted in a form close to the draft presented, financial institutions regulated by the DFS will have significant responsibility, and oversight, for protecting core operations and data, which extends far beyond personally identifiable information covered by most existing statutes and regulations. [Read more](#)

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## DATA PRIVACY

### [How Secure Is Your Retirement Plan?](#)

Most employers are generally aware of their fiduciary status as a “plan sponsor” of an ERISA-governed retirement plan (e.g., 401(k) and 403(b) plans). Yet, despite the media’s focus on the prevalence of cyber-attacks and the Department of Labor’s (DOL) repeated announcements of its concern about cybersecurity as it applies to benefit plans, cybersecurity as part of the selection of a third-party administrator (TPA) is often overlooked by plan sponsors. [Read more](#)

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## HIPAA

### [GAO Study Slams HHS For Lack of Guidance to Covered Entities](#)

The Government Accountability Office (GAO) recently finished a study of HHS/OCR’s cybersecurity infrastructure to see if it was consistent with NIST standards.

The report notes that health care entities are struggling to select appropriate privacy and security controls for their organizations, and HHS is not offering enough help to those organizations. Although OCR published two tools to assist covered entities and business associates with risk assessments, according to the GAO, those tools do not provide enough detailed information for covered entities and business associates to determine the cybersecurity activities that must be performed. The report noted that the NIST framework has 98 subcategories for security controls, while the OCR Toolkit only addresses 19 of them. [Read more](#)

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## DRONES

### [Niche Drone Market Expected to Explode](#)

Over the past two years, the number of drone manufacturer start-ups has increased exponentially. Drone manufacturer start-ups have reached numbers in the tens (if not hundreds) of thousands. Whether

you are seeking a drone to map out fields for agricultural plotting or to take a photo of your wedding from above, there is a drone that can help. There are even window-washing drones. But what the industry is seeking now are drones that can inspect roofs and powerlines during high winds and torrential rains. [Read more](#)

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## DATA BREACH

### [CryptoWall Ransomware Hits New Jersey Spine Center](#)

The New Jersey Spine Center was hit with a variant of CryptoWall ransomware on July 27, 2016, that encrypted its electronic health record and its backup files. 28,000 patient records, including names, addresses, Social Security numbers, credit card numbers, and account information were part of the files that the hackers were able to encrypt. [Read more](#)

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## PRIVACY TIP #55

### [October is National Bullying Prevention Awareness Month](#)

I never knew that since 2006, October has been designated as National Bullying Prevention Awareness Month. According to the Department of Health and Human Service's website, "This year's Bullying Prevention Awareness Month marks the 10th anniversary of its initiation by PACER's [National Bullying Prevention Center](#). Since 2006, the event has grown to an entire month of education and awareness activities, and is being recognized by schools and communities throughout the world."

Bullying can be combatted through education and awareness. In the context of data privacy and security, cyberbullying is a form of bullying that can be harmful and devastating, particularly to teens and young adults. Cyberbullying can be accomplished through online posts on Facebook, emails, Twitter, Snapchat, and any other form of social media or online content.

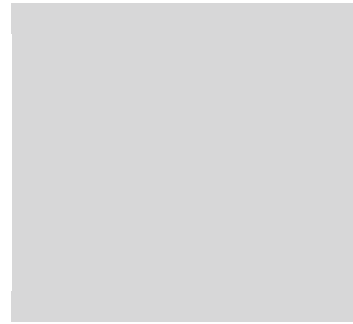
Although somewhat dated, but still applicable, some practical tips on how to combat cyberbullying for teens are outlined in the Cyberbullying Research Center [publication](#) "Preventing Cyber Bullying: Top Ten Tips for Teens."

The 10 tips include:

1. Educate yourself.
2. Protect your password.
3. Keep photos "PG" (meaning only photos you would want your grandma to see).
4. Never open unidentified or unsolicited messages.
5. Log out of online accounts.

- 6. Pause before you post.**
- 7. Raise awareness.**
- 8. Setup privacy controls.**
- 9. "Google" yourself.**
- 10. Don't be a cyberbully yourself.**

Get involved in National Bullying Prevention Awareness Month and get more educated on bullying in general, and cyberbullying in particular, to help eradicate the harmful effects of cyberbullying.



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