

**Robinson+Cole**

## Data Privacy + Security Insider

Leveraging Knowledge to Manage Your Data Risks



### DATA BREACHES

#### [Yahoo Announces Another Breach of One Billion Accounts](#)

Yahoo Inc. announced on December 14th that hackers stole the personal information of more than one billion users, which is in addition to the 500 million accounts compromised that was announced in September. [Read more](#)

#### [Ashley Madison Settles with FTC and State AGs for \\$1.6 Million](#)

We have previously reported on the Ashley Madison data breach and subsequent litigation [view related posts [here](#), [here](#), [here](#), and [here](#)]. On December 14<sup>th</sup>, Ashley Madison announced that it has agreed to pay \$1.6 million and implement additional security measures to settle claims brought by the Federal Trade Commission (FTC) and multiple state Attorneys General over the data breach that occurred in July of 2015. [Read more](#)

#### [University of Wisconsin Announces Data Breach of Law School Applicants](#)

Last week, the University of Wisconsin Law School notified 1,213 applicants from 2005-2006 that their names and Social Security numbers were breached back in November. The University discovered that a hacker gained access to the applicants' data on November 3rd, but the investigation is still ongoing. No other personal information was accessed. [Read more](#)

#### [Quest Diagnostics Announces Breach of 34,000 Records](#)

Quest Diagnostics, which operates medical laboratories, has announced that 34,000 customer records were exposed during a hacking incident that occurred on November 26th. The hacker obtained access to the information through an internet application on

December 15, 2016

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Quest's network. [Read more](#)

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### **[Over 3.1 Billion Records Breached So Far in 2016](#)**

The tally of records breached globally in 2016 (through November) was over 2.1 billion, according to IT Governance. With the announcement yesterday of Yahoo's breach of another 1 billion records, that tally is now up to 3.1 billion.

The final tally will be higher, to be sure, and analysts are predicting that the data breach problem will only get worse in 2017. We will update the final tally after the new year, despite the depressing results.

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### **ENFORCEMENT + LITIGATION**

#### **[Advanced Care Scripts Settles Pending TCPA Class Action for \\$9.25 Million](#)**

Earlier this month, a Louisiana federal judge granted final approval of a \$9.25 million settlement between Advanced Care Scripts Inc. (Advanced Care) and a class of plaintiffs, led by Jefferson Radiation Oncology LLC (Jefferson Radiation), a Louisiana-based treatment facility. Plaintiffs alleged that Advanced Care sent fax advertisements that violated the Telephone Consumer Protection Act (TCPA), by failing to include the federally mandated opt-out notice. [Read more](#)

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#### **[Law Firm Sued for Lax Data Security](#)**

For arguably the first time, a law firm, Johnson & Bell, has been sued by Edelman PC for lax data security practices that allegedly put client data at risk. [Read more](#)

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#### **[FTC Issues National Do Not Call Data Book for Companies](#)**

The Federal Trade Commission (FTC) issued the National Do Not Call Registry (the Registry) Data Book (Data Book) for Fiscal Year 2016 last week. The Registry is used by consumers to choose not to receive telemarketing calls. According to the Data Book, the Registry contained over 226 million actively registered telephone numbers and 5.3 million consumer complaints about unwanted telemarketing calls. [Read more](#)

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## HIPAA

### [ONC and OCR Issue Joint Fact Sheet on Use of PHI for Public Health Activities](#)

Whenever fact sheets or other guidance is issued by either the Office of the National Coordinator for Health Information Technology (ONC) or the Office for Civil Rights (OCR), we gain insight into the thinking of the regulators, so we watch the guidance closely. But when the ONC and OCR issues joint guidance, we hit the jackpot. [Read more](#)

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## DRONES

### [FAA's Drone Efforts Audited by the OIG](#)

The U.S. Department of Transportation's Office of Inspector General (OIG) released its recent audit of the Federal Aviation Administration (FAA), "FAA Lacks A Risk-Based Oversight Process For Civil Unmanned Aircraft Systems," stating that, while the FAA has taken continuous steps to advance the integration of unmanned aircraft systems (UAS or drones) into the national airspace, it is still, however, taking a "reactive approach to UAS oversight." The audit reveals that, while the FAA has taken steps to identify and detect UAS operations and increase awareness and education of operators (like requiring registration), "the agency has taken action primarily after incidents occur." [Read more](#)

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### [Medical Disaster Drones and the Telemedical Drone Project](#)

Two disaster drones delivered telemedical packages to disaster victims and rescue personnel via the John Bell Airport in Bolton, Mississippi, in a simulated mass casualty event last week. This marks the first time this type of technology hit the skies. [Read more](#)

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### [Individual Charged with Unsafe and Dangerous Drone Operation in Canada](#)

Last week, the Edmonton, Alberta, Police Services (EPS) of Canada charged an individual with what it is calling "unsafe and dangerous operation" of an unmanned aerial vehicle (UAV or drone). The drone was seen operating in a dangerous manner in the downtown Edmonton area over buildings, roadways, and public transportation stations. [Read more](#)

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[The 'Silicon Valley' for UAS: From New York's Griffiss International Airport to Hancock International Airport, UAS are Welcome](#)

From the Griffiss International Airport in Rome, New York, to the Hancock International Airport in Syracuse, New York, unmanned aerial systems (UAS or drones) may freely fly the 50-mile stretch in an effort to increase technological advancement for developers of UAS. The executive director of the NUAIR Alliance, Larry Brinker, says that "companies are going to have to collaborate to come up with a solution because nobody has the single answer. And that's how Silicon Valley started, that's what exists today," and that's what they hope this new 50-mile stretch in New York will be—the Silicon Valley for UAS operations and advancement. The NUAIR Alliance is a nonprofit coalition based at the Griffiss Airport, which operates and oversees UAS test ranges in New York, Massachusetts, and Michigan. This UAS corridor will include an inside testing and verification center. We will watch the development of this corridor and the advancement it brings as more and more drones use this airspace.

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**PRIVACY TIP**

[Privacy Tip #65 – Beware Online Shoppers of Keylogging Malware](#)

There are reports of a java keylogger that is able to copy and forward credit card details from online checkout forms that are used on shopping websites. It has reportedly affected several dozen online shopping websites that use the Magento open-source e-commerce platform.

What does this mean? When you buy something online, and you go to check-out, you come to a screen where you in-put all of your information, including your name, address, credit card number, and security code. While you are putting that information in the blanks, malware that has been inserted by hackers is able to forward all of that information directly to the hackers in real-time. This means that hackers can get access to your credit card information immediately and start using it without your knowledge.

During the holidays, we are purchasing more, using our credit cards more, and getting in the shopping frenzy. Be mindful of the risks of online shopping and especially the sophistication of hackers in stealing our financial information.

Watch your credit card bills closely and be vigilant with your credit cards during the holiday season. Happy holidays!



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