

Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks

CYBERSECURITY

[Joint CISA/FBI Alert on Vulnerability in Zoho ManageEngine ServiceDesk Plus](#)

On December 6, 2021, the Cybersecurity & Infrastructure Security Agency (CISA) and the Federal Bureau of Investigation (FBI) updated a previously issued Alert entitled *APT Actors Exploiting CVE-2021-44077 in Zoho ManageEngine ServiceDesk Plus*. According to the Alert, the newly-identified vulnerability is being actively exploited by advanced persistent threat actors and is considered critical. [Read more](#)

DATA PRIVACY

[Smart Health Cards, Vaccine Passports, and Privacy](#)

Massachusetts Governor Charlie Baker and Rhode Island Governor Dan McKee recently announced that they are considering implementing vaccine passport programs in their respective states. Baker stated that he is working with other states to use a QR code system that allows users to scan to verify vaccination status. In Rhode Island, the Department of Health announced that it, too, is working on an app-based QR code program. According to the Providence Business News, a spokesman for the Rhode Island Department of Health stated that the app “would function as a smart health card.” [Read more](#)

HIPAA

[No Private Right of Action Under HIPAA, but State Law Claims May Still be Asserted](#)

A federal district court in Montana has confirmed that HIPAA precludes a private right of action for patients to claim an unauthorized access, use, or disclosure of protected health information. Nonetheless, the court denied the defendant covered entity’s motion to dismiss the complaint, holding that the plaintiff could move forward with state-specific claims of invasion of privacy, negligence, negligent infliction of emotional distress, and violation of Montana’s Consumer Protection Act because the federal law does not bar the suit under state law. The court held that, although HIPAA does not allow private lawsuits to be brought for unauthorized disclosure of health information, it does not preempt state law remedies that offer stronger protections than HIPAA. [Read more](#)

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PRIVACY TIP #310

[Gift Card Scams Rampant During the Holiday Season](#)

Gift card scams continue to be one of the most frequently-reported scams to the Federal Trade Commission (FTC). According to its recent Scam Alert entitled *Scammers are tricking more people into buying gift cards*, “40,000 people reported losing a whopping \$148 million in gift cards to scammers during the first nine months of 2021.” [Read more](#)

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