

# Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks

## CYBERSECURITY

### [NYDFS Cybersecurity Certificate of Compliance Due April 15, 2021](#)

The New York Department of Financial Services (DFS), which regulates certain covered entities and licensed persons in the financial services sector doing business in New York, recently provided guidance to its regulated entities that the annually required Certificate of Compliance with the DFS Cybersecurity Regulations must be submitted no later than April 15, 2021. [Read more](#)

### [Malwarebytes Hit by SolarWinds Hackers](#)

Malwarebytes, a cybersecurity firm, confirmed this week that the same hackers, believed to originate from Russia, who were behind the SolarWinds incident were able to access some of its internal emails without authorization. [Read more](#)

## ENFORCEMENT + LITIGATION

### [Marriott Wins CCPA Data Breach Lawsuit](#)

Marriott recently won dismissal of a proposed class action data breach lawsuit alleging several violations, including a violation of the California Consumer Privacy Act (CCPA). The case, *Arifur Rahman v. Marriott International, Inc.* et al., Case No.: 8:20-cv-00654, was dismissed in an Order by U.S. District Court Judge David O. Carter on January 12, 2021. [Read more](#)

## DATA SECURITY

### [DOJ Warns of Business Email Compromise Scheme Targeted at PPP Loan Recipients](#)

The U.S. Attorney's Office for the District of Massachusetts is warning small businesses that received loans through the Paycheck Protection Program (PPP) of a dramatic increase in reports of business email-

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compromise schemes related to the program. Scammers are using information about PPP recipients posted by the Small Business Administration (SBA) to impersonate PPP lenders requesting additional information about PPP loan applications or loan forgiveness. [Read more](#)

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## HIPAA

### [Excellus Health Plan Pays \\$5.1M to OCR in Settlement Following Data Breach](#)

The U.S. Department of Health and Human Services Office for Civil Rights (OCR) recently announced that it had entered into a Resolution Agreement, Corrective Action Plan, and settlement with Lifetime Healthcare, Inc., the parent of Excellus Health Plan, over alleged violations of HIPAA relating to a data breach that occurred from December 23, 2013 through May 11, 2015. During that time, a cybercriminal obtained access to its IT systems and installed malware that allowed the intruder to obtain access to the protected health information of more than 9.3 million individuals. [Read more](#)

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### [Fifth Circuit Overturns “Arbitrary and Capricious” \\$4.3 Million HIPAA Penalty Against Hospital](#)

On January 14, 2021, the U.S. Court of Appeals for the Fifth Circuit [overturned](#) a \$4.348 million penalty for alleged HIPAA violations assessed by the U.S. Department of Health & Human Services (HHS) against the University of Texas M.D. Anderson Cancer Center (Hospital). The case arises from an enforcement action undertaken by HHS following the Hospital's self-disclosure of three separate instances of lost or stolen portable devices containing electronic protected health information (ePHI). The government's investigation determined that the devices were not encrypted, and that the Hospital's failure to encrypt the devices to protect the ePHI contained therein constituted a violation of HIPAA's Privacy and Security Rules. After HHS imposed the penalty in 2017, the Hospital appealed the penalty first to an Administrative Law Judge, and then to HHS's Departmental Appeals Board before petitioning the Fifth Circuit for review in 2019 (see our prior analyses of this case [here](#)). [Read more](#)

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## DATA PRIVACY

### [Another Use for Blockchain: Tracking COVID-19 Vaccines](#)

Reuters reported this week that two hospitals in England are using blockchain technology to track the storage and supply of COVID-19 vaccines. According to Reuters, this is one of the first such initiatives in the world. [Read more](#)

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## NEW + NOW

### [SolarWinds Insured Losses Estimated at \\$90 Million](#)

The fallout from the SolarWinds hacking incident linked to Russian threat actors has not only wreaked havoc on governmental agencies and private companies whose data are at risk following the incident, but this week, Bitsight and Kovrr released an analysis outlining the effect of the event on insurance losses that estimates the incident could cost more than \$90 million when all is said and done. [Read more](#)

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**PRIVACY TIP #268**

[Changing Your Router Password](#)

This week's privacy tip discusses the security risks associated with using your home router's default password. [Read more](#)



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