

## Will Peer-to-Peer (P2P) Technology Get You in Trouble?

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The FTC has [posted a news release](#) that it has sent out notification letters to almost 100 organizations that personal information stored on their systems—including sensitive data about customers and/or employees—is available on peer-to-peer (P2P) file sharing networks. Samples of the FTC letters are available [here](#), [here](#) and [here](#).

Sometimes a business will put in place peer-to-peer programs that make it easy for individuals to share documents. In many cases, however, employees have downloaded P2P programs so that they can play games and share music or videos. Depending on how these programs and your computer systems are configured, the P2P programs may also allow access to and sharing of company records, such as confidential HR records, company financial records, or trade secret information. If the information involves social security numbers, bank account information, drivers licenses or health information, a variety of breach notification laws may also require you to send letters to affected individuals, government agencies, and maybe even local or state-wide media.

A number of privacy laws—such as HIPAA and Gramm-Leach-Bliley—specifically require companies to conduct risks assessments to identify potential ways in which the confidentiality of sensitive information can be compromised. Other laws, such as state social security number protection laws, may implicitly require such an assessment by requiring policies and procedures to protect sensitive information. Finally, the FTC may view the failure to protect consumer information from inadvertent sharing over P2P networks as an unfair trade practice.

The FTC has a couple of good resources available on the security issues relating to peer-to-peer programs available [here](#) and [here](#), and some more general information available [here](#). Even if you've looked at this issue in the past, its good to revisit these issues from time to time to make sure that the protections you have in place are working as you expect them to.

If you have questions about privacy and security laws, Warner can help. Please give us a call!