

Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks

CYBERSECURITY

[CISA Launches Cybersecurity Public Awareness Campaign](#)

To kick off the twentieth annual Cybersecurity Awareness Month, the Cybersecurity and Infrastructure Security Agency (CISA) has [announced](#) that CISA and the National Cybersecurity Alliance will “focus on ways to [“Secure Our World”](#) by educating the public on how to stay safe online. Secure Our World is a theme that CISA will focus on throughout the next year “as we work to drive behavioral change around core cybersecurity habits by providing everyone with the knowledge and tools they need.” [Read more](#)

ENFORCEMENT + LITIGATION

[PharMerica and Amerita Sued in Class Actions for Breach of Patient Data](#)

PharMerica and its subsidiary Amerita’s Specialty Infusion Services (Amerita) are already facing class action lawsuits after patients received a September 5, 2023, data breach notification letter. When the businesses detected suspicious activity on both the PharMerica and Amerita networks, a forensic investigation determined that a threat actor had gained access to the systems sometime in early March 2023, allowing unauthorized access to approximately 5.8 million individuals. The type of information accessible included names, addresses, diagnoses, medications, and health insurance. The threat actor was identified as the Money Message ransomware group and the group posted data on its leak site from the 4.7 terabytes of stolen data. [Read more](#)

ARTIFICIAL INTELLIGENCE

[Using AI to Replicate or Replace Human Creativity May Violate Intellectual Property Law](#)

As artificial intelligence (AI) becomes better and more prevalent, people will increasingly use its computing power to supplement or replace human creativity. Film director Gareth Edwards [attempted to do just that](#) in his new movie, *The Creator*, about artificial intelligence. Edwards used an AI algorithm to attempt to replicate the musical style of composer Hans Zimmer. Ultimately, Edwards abandoned this effort and hired Zimmer to compose the score because although the AI-generated track was convincing, Edwards believed it still felt short of human Zimmer’s work. [Read more](#)

[AI + the Health Care Industry: Ethical Considerations](#)

The health care industry, like all industries, is experimenting with AI tools. As we have commented [before](#), the legal issues that are present with the use of AI tools apply to all industries and consideration should be given to mitigating those risks.

Another consideration for the health care industry was recently thoughtfully outlined by Carrie Pallardy of *Information Week* in her post entitled [“How AI Ethics Are Being Shaped in Health Care Today.”](#) She posits that as AI is used in health care decisions, there is a “clear potential for harm.” [Read more](#)

October 5, 2023

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DRONES

[The 2023 FAA Reauthorization Package and its Impending Impact on the Drone Industry](#)

The Federal Aviation Administration (FAA) has been working toward one goal when it comes to drones: get more of them safely in the air. However, right now, the FAA is without a permanent leader or a stable funding package. The Senate Commerce Committee recently held a hearing to consider a nomination for FAA Administrator; hopefully that official appointment will come in the near future. [Read more](#)

PRIVACY TIP # 374

[FTC Warns Tax Preparation Companies About Use of Tax Information for Other Purposes](#)

The information you provide to your tax preparer is as sensitive as it gets. The assumption is that the tax preparation company is only using your data to prepare your taxes. But is your data still at risk? Today's privacy tip can help you start a conversation with your tax preparer about how your data is being used, which could ultimately help to keep your data safer. [Read more](#)

Recent Events & News:

October is Cybersecurity Awareness Month.

- **Linn Freedman Discusses the Legal Industry's Use of AI in *Hartford Business Journal* Cover Story**

Data Privacy + Cybersecurity Team chair [Linn F. Freedman](#) discussed the growing use of artificial intelligence by law firms in the article "Attorneys Slowly Embrace AI, But Urge Caution As Technology Rapidly Evolves," published in the *Hartford Business Journal* on October 2, 2023. In the cover story, Linn confirmed that "AI is here to stay" and that "AI tools are brilliant when it comes to increasing efficiency," but also acknowledged that "the output is only as good as the input," explaining that if the information that goes into an AI database is inaccurate the output will be inaccurate too. Among the pitfalls Linn sees with the use of AI is the unauthorized use of intellectual property. She pointed out that there have been numerous litigation matters filed "by authors, artists and others alleging that their information, their intellectual property, has been stolen and is being used to provide machine learning without permission, without licensing, without royalties. So, I think that's an area of risk that all companies, including law firms, need to be thinking about." Linn advises companies using generative AI to appoint a stakeholder team that evaluates risks and sets organizational strategies and controls around its use. Read the [article](#).

- Artificial Intelligence Team lawyer [Sean Griffin](#) is among the panelists presenting "ChatGPT & Digital Health: Will A Robot Take Your Desk Job?" as part of the Federation of Defense & Corporate Counsel's [2023 Corporate Counsel Symposium](#) in Philadelphia, Pennsylvania on October 22-24, 2023. The program will discuss the benefits and pitfalls of ChatGPT, and how to use ChatGPT effectively as in-house counsel, as well as third party vendors using AI to help lawyers.
- Data Privacy + Cybersecurity Team law clerk [Blair Robinson](#) will present the myLawCLE program "[Cyber Threat Awareness for Legal Professionals](#)" on October 23, 2023. Blair will delve into essential cybersecurity practices tailored for attorneys and law firms, offering insights on safeguarding sensitive client information, maintaining attorney-client privilege, and fortifying digital perimeters.
- Data Privacy + Cybersecurity Team chair [Linn Freedman](#) will present on [ransomware](#) for the Coalition of New England Companies for Trade (CONNECT). The October 24, 2023, webinar will offer a better understanding of ransomware attacks including its ever-evolving tactics and trends. The program will examine different ways to prevent ransomware attacks on organizations, how to respond if attacked, and the misconceptions about cyber insurance and its coverage. The webinar will also explore a recent ransomware attack and demonstrate what happened, why it happened, and what steps can be taken to prevent ransomware.
- Artificial Intelligence Team chair [Linn Freedman](#) is among the speakers presenting the Compass IT Compliance, LLC program "[AI and Cybersecurity: Navigating Promise and Pitfalls](#)" on October 24, 2023.
- Data Privacy + Cybersecurity Team chair [Linn Freedman](#) is among the panelists participating in the cybersecurity panel as part of the [SIM Boston Technology Leadership Summit](#) on October 25, 2023.

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