



CYBERSECURITY

[FDA Classifies St. Jude Defibrillators as Class 2 Recalls for Cybersecurity Updates](#)

We have previously reported on the ongoing cybersecurity issues with St. Jude defibrillators [view related posts [here](#), [here](#), and [here](#)]. On June 29, 2018, the Food and Drug Administration (FDA) classified the required firmware updates to St. Jude defibrillators as Class 2 recalls, which is the medium-severity category of classifications that is applicable to issues where adverse health consequences are considered temporary or reversible. [Read more](#)

HEALTH INFORMATION PRIVACY

[Missouri Hospital Diverts Patients, Shuts Down EHR due to Ransomware Attack](#)

On July 9, 2018, Cass Regional Medical Center (CRMC) in Harrisonville, Missouri was hit with a [ransomware attack](#) that led to a complete shutdown of its electronic health record (EHR) and the diversion of trauma and stroke patients to other facilities. According to CRMC, the attack affected CRMC's internal communications system and "access to" its EHR. In response, Meditech (CRMC's EHR vendor) shut down the EHR system until the attack was resolved and all systems restored, although CRMC maintains that there is no indication that patient information has been breached. CRMC has engaged a cyber forensics firm to investigate the attack, and restoration of the EHR is pending the results of that investigation. [Read more](#)

ENFORCEMENT + LITIGATION

[ReadyTech Settles With FTC Over Claims of Participation in Privacy Shield](#)

Although the U.S.- E.U. Privacy Shield Framework has been intensely criticized by E.U. authorities, the Federal Trade Commission (FTC)

July 12, 2018

FEATURED AUTHORS:

[Conor O. Duffy](#)
[Linn Foster Freedman](#)
[Kathryn M. Rattigan](#)
[Jean E. Tomasco](#)

FEATURED TOPICS:

[Cybersecurity](#)
[Data Breach](#)
[Drones](#)
[Enforcement + Litigation](#)
[Health Information Privacy](#)
[Privacy Tip](#)

VISIT + SHARE:

[Insider Blog](#)
[R+C website](#)
[Twitter](#)
[Facebook](#)
[LinkedIn](#)

continues to enforce violations of it by U.S. companies.

On July 2, 2018, the FTC issued a press release stating that it has settled its complaint against ReadyTech, a California-based online training company, for “falsely” claiming that it was in the process of Privacy Shield certification when it was not. [Read more](#)

[Second Circuit Upholds Conviction Under the CFAA, Rejecting Argument That the Law Is Unconstitutional](#)

In a recent decision, the Federal Court of Appeals for the Second Circuit (which covers New York, Connecticut, and Vermont) affirmed the conviction of an Italian citizen for misdemeanor computer intrusion in violation of the Computer Fraud and Abuse Act of 1986 (CFAA). The decision is noteworthy in that, among other things, the Second Circuit rejected a challenge to the statute as being unconstitutionally vague. [Read more](#)

DATA BREACH

[Millions of Adidas Customers Affected by Data Breach](#)

Adidas has published a customer warning that its U.S. customers could be at risk from a security incident it discovered on June 26, 2018. In the warning, Adidas says that it will reach out to certain customers who purchased goods through its website with more details about the incident. It has been reported that the incident could have affected millions of Adidas customers. Adidas says it is in the process of undergoing a thorough forensic review, but that the initial analysis indicates that the customer information compromised includes customers’ usernames, encrypted passwords, and contact information. [Read more](#)

DRONES

[FAA Questionnaire Seeking Input of Drone Operators](#)

A few weeks ago the Federal Aviation Administration (FAA) sent a questionnaire to each person who has registered a commercial drone—that is, for purposes other than recreational or hobby use. The survey also included those registered under government departments and first responders. The FAA’s goal is to collect information on drone flight activities under Part 107 (the Small Unmanned Aircraft System (UAS) Rule) to help the FAA improve the services it delivers to the UAS community at large. The FAA hopes to encourage participation by limiting the questionnaire to about 10 minutes to complete. [Read](#)

[more](#)

[Drone Regulations Withstand Challenge](#)

The United States government's ability to police hobbyist drone use was upheld by an appellate court last week. The U.S. Court of Appeals for the D.C. Circuit rejected arguments by John Taylor, a drone hobbyist, who successfully overturned the Federal Aviation Administration's (FAA) system for registering unmanned aerial systems (UAS or drones) last year. Judge Merrick Garland said, "Because the rule is within the agency's statutory authority and is neither arbitrary nor capricious, the petition for review is denied." This decision stems from Congress' passage of a law in 2012 that gave the FAA authority over drones, while exempting model aircraft flown by hobbyists who already followed certain safety rules instituted by a "nationwide community-based organization." That led to Taylor's claim that the FAA can't set regulations over drone flights by hobbyists. Taylor used the 2012 law to argue successfully that the FAA's drone registration system was not legal; however, Congress reinstated the registry months later. [Read more](#)

[Wild-Fire Plagued Cities Look to Drones](#)

With Independence Day fireworks now coming to an end, many cities in the Western United States are talking about the wildfire liability that comes with the use of fireworks over drought-stricken land. The alternative to fireworks? Well, possibly drones. This year in Aspen, Colorado, the city put on its annual Fourth of July show using drones outfitted with LED lights instead of fireworks.

Debbie Braun, President of the Aspen Chamber Resort Association, said, "This year we realized it was a low snow year, so we realized we were going to be at risk. So we started innovating, and that is how we came upon the drone show." She added, "It [was] a fabulous alternative to fireworks, which we really think is going to be the new norm going forward." Click [here](#) to watch some video from the company that launched this drone show in Aspen. [Read more](#)

PRIVACY TIP #147

[If You Use Timehop Listen Up!](#)

This week's privacy tip focuses on the recent data breach of the social media app Timehop. The article covers some of the elements changed post-incident that alter the functionality of Timehop. [Read more](#)

Boston | Hartford | New York | Providence | Stamford | Albany | Los Angeles | Miami | New London | rc.com

Robinson & Cole LLP



© 2018 Robinson & Cole LLP. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This document should not be considered legal advice and does not create an attorney-client relationship between Robinson+Cole and you. Consult your attorney before acting on anything contained herein. The views expressed herein are those of the authors and not necessarily those of Robinson+Cole or any other individual attorney of Robinson+Cole. The contents of this communication may contain attorney advertising under the laws of various states. Prior results do not guarantee a similar outcome.