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September 15, 2021

El Salvador Buys 200 Bitcoins as the Digital Currency Becomes Legal Tender

"El Salvador became the first country to adopt bitcoin as a national currency, kicking off a radical monetary experiment that could pose risks to the fragile economy."

Why this is important: The world's first nationwide digital asset experiment has begun, as El Salvador is officially the first country to consider a digital asset a national currency. "The law designating bitcoin as legal tender says that all 'economic agents' shall accept [it] as payment [and] ... that tax payments can be made in bitcoin." While some are excited for this opportunity, some have asked for a repeal of the law due to the volatile nature of digital assets. Oddly enough, the day that El Salvador announced that bitcoin was officially its national currency, the price of many crypto assets plummeted. There are many questions left unanswered in the infancy of this law. Perhaps one of the most important is how to adapt to the rising and falling of bitcoin's value. One person highlighted a particularly difficult problem that the El Salvadoran government will face when they asked, "How do we know what to collect in taxes when bitcoin goes up and bitcoin goes down?" With all of El Salvador's triumphs and fails regarding its new national currency, the rest of the world is about to learn a lot about whether digital assets can be a viable currency. --- [Kellen M. Shearin](#)

The Link Between COVID-19, Rattlesnake Venom and a Killer Enzyme Inspires Treatment Target

"In other words, this enzyme is trying to kill the virus, but at a certain point it is released in such high amounts that things head in a really bad direction," Chilton said."

Why this is important: Okay, this is very cool, but do not run out and get intentionally bitten by a snake! Remember that couple who ate fish tank cleaner, because it sort of sounded like the (actual) medicine that President Trump touted? That did not end well. There is an enzyme in rattlesnake venom (see, not the entire venom!) that is a powerful anti-inflammatory. If controlled well, it shows promise to reduce inflammation in COVID-19 patients. Since inflammation in the lungs, particularly, results in many of the hospitalizations and deaths due to COVID-19, this may be great news. We are a long way from proving this in humans. No rattlesnake bites! --- [Hugh B. Wellons](#)

US Government Agencies Plan to Increase Their Use of Facial Recognition Technology

"A new survey shows the controversial systems are poised to play an even bigger role in federal business."

Why this is important: Facial recognition technology ("FRT") is not new. The process of using a computer to map the features of an individual's face and compare those features to images within a database in the hope of producing a match has been in limited use since the 1960s, and since 2015, FRT is pervasive. In fact, almost every reader of this article has utilized FRT technology every single day by simply using a smart phone that now employs FRT as a quick and easy security measure. We've become so comfortable with the use of FRT that we do not stop and consider where this is headed. However, this recent GAO survey highlights good reasons why we should pause and evaluate the use of FRT and consider how such technology should be regulated.

The survey showed that 18 federal agencies use FRT in some capacity, and most plan to expand its use by 2023. Although most agencies own the technology they employ, there are six systems used by federal agencies that are owned and maintained by commercial vendors. In addition to federal agencies, 29 states own FRT systems, and of those, 21 have agreements in place with the FBI to allow federal access to the state-owned FRT systems. The use of FRT varies widely among agencies from simple cybersecurity measures (similar to our smart phone verification prior to access to secure databases or buildings) to law enforcement (such as scanning faces at an airport to locate a person on a watch list or scanning the crowd at the January 6 Capitol riots to identify individuals to be prosecuted). Privacy concerns abound with the use of facial recognition technology, which has been shown to be less reliable when identifying people of color. The survey showed that many agencies are unaware of the types of systems in use at their agencies and the methods by which FRT is being employed. And, the scope of the databases are expanding exponentially. Gone are the days of using criminal databases; now vendors are scraping data from social media to identify persons of interest. Most importantly, there are no federal regulations on law enforcement's use of facial recognition or how most agencies use FRT. Now is the time to pause, evaluate and regulate what information is gathered, how it is maintained, and how it may be employed. --- [Lori D. Thompson](#)

White Castle Biometric Privacy Case to Shape Litigation Landscape

*"At the heart of the case, *Cothron v. White Castle Sys. Inc.*, is whether BIPA claims accrue each time a company violates the law or if only the first instance of violation constitutes a claim."*

Why this is important: *Cothron v. White Castle Sys. Inc.* is a case about an employer using fingerprints of employees as part of a timekeeping system without properly obtaining consent, and is currently being litigated in the Seventh Circuit. This case is expected to dispositively address whether claims under Illinois' Biometric Information Privacy Act ("BIPA") accrue each and every time the law is violated, or if only the first violation is actionable. The outcome of this case likely will determine whether BIPA claims will become smaller and less frequent, or if they will take on the characteristics of enormous class actions with damages sought in the millions or billions of dollars. With \$1,000 liquidated damages per negligent violation and five times that amount per reckless or intentional violation, those damages can add up fast. --- [Risa S. Katz-Albert](#)

Fertility App Maker Flo Health Faces Consolidated Privacy Lawsuit

"Users of the women's health app hand over personal information to Flo Health, including 'intimate details' about sexual health and menstrual cycles, among other things, to use the app, the complaint said."

Why this is important: Flo Health maintains a fertility app that, based on certain detail input into the app, predicts a woman's fertility and tracks that. Of course, Flo Health also holds virtually all the information put into the app. A current lawsuit alleges that Flo Health, without permission, has been

using that information for other purposes and selling the information to third parties. Flo Health settled with the U.S. Federal Trade Commission early this year, admitting unlawful data disclosure. Many other apps, monitoring devices, genetic testing services, etc. will find themselves in a similar predicament. --- [Hugh B. Wellons](#)

How Will Blockchain Technology Help Fight Climate Change? Experts Answer

"Decentralized technologies indeed have the potential to help achieve the SDGs by recasting conventional approaches to sustainable development via the benefits of blockchain technology, such as transparency and immutability."

Why this is important: I recommend this article to anyone who is interested in climate change or wonders about real-world applications of blockchain or distributed ledger technology (for simplicity, let's refer simply to blockchains). The article asks how this technology can fight climate change and compiles the responses of many people active in the blockchain space. Some of the responses include using blockchains to track carbon credit transactions, incentivize participation in sustainable practices, and enhance the transparency and reliability of information. One of my favorite answers came from the Chief Marketing Officer of Chainlink Labs. Chainlink has a really exciting business model (this is not investment advice). They provide a decentralized oracle network for smart contracts. What are oracles, and how would they work in this context? Oracles are the connectors between a smart contract and the real world. They feed the smart contract the information about whether it should execute its functions. Here's an example related to climate change. Chainlink's CMO explained that "the Green World Campaign and Cornell University are building smart contracts that use satellite data to track when people regenerate a tract of land by increasing tree cover, improving soil and implementing other restorative agricultural practices." Smart contracts are written to release a payout when a person completes one of these activities. The oracle pulls the information from satellites and provides it to the smart contract on a blockchain, which then releases the payment. Payment is provided for fighting climate change, but it only works when real-world conditions are satisfied. It's "automated, scalable, and fraud-proof." --- [Nicholas P. Mooney II](#)

Outpatient Facilities Targeted for Cyberattacks Nearly as Often as Hospitals, Data Shows

"Among healthcare facilities overall, breaches are occurring nearly twice as often since 2018, and breaches attributed to hacking and IT incidents are occurring nearly three times as often, the report found."

Why this is important: Statistics now show that outpatient facilities were the targets of cyberattacks almost as frequently as larger hospital systems in the first half of 2021. Most notably, 43 percent of attacks are attributable to business associates, a classification under HIPAA for entities who in some way store, manage, or process the data belonging to a healthcare provider under HIPAA (the provider is called the 'covered entity'). This means that nearly half of attacks are not on the providers themselves, but on the entities hired by those providers to perform necessary services. With increasing reliance on technology, both business risk and patient care risk are becoming problematic for providers as cyber threat actors target medical devices, data, and facilities. As a general rule, the easiest targets are the most appealing to cyber-criminals, whose attacks make up around 70 percent of breaches reported to HHS. As larger systems shore up their defenses, smaller entities become more appealing targets, increasing the risk for outpatient providers. --- [Risa S. Katz-Albert](#)

Apple Walks Back Plans for New Child Safety Tools After Privacy Backlash

"The plan centers on a new system that will, if it is eventually launched, check iOS devices and iCloud photos for child abuse imagery."

Why this is important: Apple has paused their plan to implement new tools aimed at combating child exploitation due to privacy concerns. The tools are designed to allow parents to take a more informed role in the material that their children are viewing online, to reduce the sharing of Child Sexual Abuse

Material ("CSAM"), and to warn children and their parents when receiving or sending sexually explicit photos. Cryptography will be used to identify CSAM photos and the information will be shared with law enforcement.

Although the goal of Apple's plan is laudable, it was not well received by everyone. To address the feedback received from consumers, advocacy groups and researchers, Apple has decided to take some time to collect input and make modifications to the plan, if needed, before releasing these new features. This latest announcement from Apple demonstrates that consumers still place a high value on the protection of their data and are not comfortable making such information readily accessible to third parties. --- [Annmarie Kaiser Robey](#)

A Mini-CRISPR System Could be 'Swiss Knife' in Gene Editing

"A team of researchers at Stanford University think they've built such a tool to apply to CRISPR gene editing, which could help advance the platform and make it easier to deliver into cells."

Why this is important: CRISPR just keeps developing. The basic science may have a huge effect on our children's health. They have discovered a protein that allows even more specific gene cutting and replacing. Of course, it also points us toward Gattaca. Labs already are using CRISPR to manipulate genes in collections of human eggs and sperm. How long before that is implanted into the mother? Oh wait, that probably already happens. The problem is that it is marginally effective, because the editing is broad and may have unintended consequences. This Stanford development will improve that science. Would you do a bit of genetic manipulation to make your child taller, better looking, more athletic, more musical, etc.? Many would. What if your child has Downs Syndrome or has a form of dwarfism? What if you could change your child's genetic makeup? What if your family has a history of Huntington's, and genetic manipulation can eliminate that curse? There are many potentially wonderful applications, but the better we get at this, the closer we get to designer babies. Gattaca, here we come. If you have not seen that movie, watch it! Excellent movie about the possible horrifying social costs of genetic engineering. We are almost there! For many good purposes, but certainly some unintended results. --- [Hugh B. Wellons](#)

ECRI CEO Calls on FDA, Industry to Revisit COVID-19 Medical Device EUAs as Shortages Ebb

"Marcus Schabacker contends the device approval system was already flawed before the pandemic, while noting concerns about cyberattacks and the jump in at-home care."

Why this is important: Sorry, there are a few acronyms to unpack, but let's make this simple. ECRI is a nonprofit organization that develops procedures for, and lobbies for, the healthcare industry, particularly related to patient safety. This article contains an interview of the ECRI CEO relating to the availability of medical devices during COVID-19, worldwide, including temporary and emergency approvals of new and replacement products, and emergency approval of manufacturing methods and sites, etc. If you want to revisit 2020 to shape a better future emergency response, you may enjoy this article. --- [Hugh B. Wellons](#)

Apple Plans to Add Blood Pressure Monitoring, Thermometer to Smartwatch

"The fertility feature could be available as soon as next year, but more ambitious health-related improvements aren't expected before 2022."

Why this is important: My colleague's new Apple watch alerted him that he was in atrial fibrillation and needed to go to the hospital immediately. He thought that was ridiculous, but he did feel bad. In an overabundance of caution, he went to the ER. They determined that he was minutes away from a stroke. The Apple watch already dips its toe into medical diagnosis. It has saved lives. Now, it intends to add blood pressure monitoring and a thermometer, which will help determine female fertility, among possible other indications. Apple expects to roll out further diagnostics on the Watch in 2022. --- [Hugh B. Wellons](#)

Kim Kardashian Crypto Ad Singled Out by Financial Watchdog

"Charles Randell said Ms Kardashian had 'asked her 250 million followers to speculate on crypto tokens' by promoting an advert for Ethereum Max."

Why this is important: The head of UK's Financial Conduct Authority has criticized a recent Instagram post by Kim Kardashian that touted the benefits of a cryptocurrency known as Ethereum Max (not to be confused with the much more popular Ethereum cryptocurrency). The FCA head claims that her post "asked her 250 million followers to speculate on crypto tokens." He then criticized social media influencers who promote cryptocurrencies that are "scam[s]." About 2.3 million Britons hold cryptocurrencies, and approximately 14 percent of them purchased the currencies by using credit. The FCA's criticism shouldn't be needed to cause concern about the posts. They look suspect on their face. In one of them, Kardashian asks "Are you guys into crypto?????" She then explains "[t]his is not investment advice" but goes on to share information that some unnamed group called "my friends" told her about the currency. By the way, they "just told" her this information, signaling that this is a hot crypto tip not to be ignored. The bottom line, and a good rule of thumb, is don't take investment advice from a single Instagram post. --- [Nicholas P. Mooney II](#)

Google, Mayo Clinic Build New Type of AI Algorithm to Map Interactions Between Areas of the Brain

"Neurostimulation is a powerful tool that is already being used to treat chronic pain, anxious depression, overactive bladder and more by sending electrical pulses to areas of the brain linked to each condition."

Why this is important: Neurostimulation already treats a number of ailments, including depression, chronic pain, and many others. It only works, however, in areas of the brain already linked to that specific condition. Much of this "mapping," however, is extremely difficult to do, particularly in areas of the brain more difficult to access. This article explains how the Mayo Clinic and Google Research's Brain Team are developing a new type of artificial intelligence algorithm to chart out the neural connections spanning each region of the brain. This may allow a quick expansion to the use of this, and other, treatment techniques. --- [Hugh B. Wellons](#)

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[Nicholas P. Mooney II](#), Co-Editor of *Decoded* and Chair of Spilman's [Technology Practice Group](#)

and

[Alexander L. Turner](#), Co-Editor of *Decoded*



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Responsible Attorney: Michael J. Basile, 800-967-8251