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State Attorneys General Considering Issuing Cybersecurity Guidance

Widespread storage of data in digital form has become a significant risk for businesses and consumers alike. An entire organization's business records can be transferred, hijacked or otherwise compromised in the blink of an eye. The frequency and scale of security breaches are rapidly expanding and the associated damages continue to rise. Amidst this backdrop and with the goal of helping companies reduce the risk of data breaches and mitigate the harms that arise out of such breaches, state attorneys general, through the Conference of Western Attorneys General (CWAG) are considering issuing guidance to companies on what constitutes "reasonable security" in connection with the collection, processing and storage of personally identifiable information.

CWAG is strongly weighing whether to incorporate and/or model its guidance off of the [California Attorney General's recommendations on security practices](#), the [New York Department of Financial Services' Cybersecurity Regulation](#), and/or the security requirements set forth in the [European Union's General Data Protection Regulation](#).

While nonbinding, the recommendations will likely provide an outline of how attorneys general may exercise their investigative and enforcement powers against companies that experience a data breach. Moreover, the guidance of these attorneys general will also have the potential to serve as a reference or model for other regulators.

If you have questions about the potential CWAG guidance, or are interested in providing comments to CWAG as part of its process, please contact [Tracy L. Lechner](#), head of Brownstein's [Cybersecurity, Privacy and Technology Transactions Group](#); [Jason Dunn](#), chair of Brownstein's [State Attorneys General Group](#); [Ian O'Neill](#), a shareholder in Brownstein's Cybersecurity, Privacy and Technology Transactions Group; or [Esteban Morin](#), an associate in Brownstein's Cybersecurity, Privacy and Technology Transactions Group.

Tracy L. Lechner
Shareholder
tlechner@bhfs.com
303.223.1274

Jason R. Dunn
Shareholder
jdunn@bhfs.com
303.223.1100

Ian V. O'Neill
Shareholder
ioneill@bhfs.com
303.223.1210

Esteban M. Morin
Associate
emorin@bhfs.com
303.223.1275

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