

Robinson+Cole

Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks



CYBERSECURITY

[Energy and Critical Infrastructure Industries Warned of Increased Attacks by FBI and DHS](#)

The FBI and Department of Homeland Security issued a joint statement on October 20, 2017 warning of an increased danger of a malicious “multi-stage intrusion campaign” to critical infrastructure industries, including the energy sector. According to the warning, hackers are targeting company-controlled sites of different agencies to access information on equipment and designs, including “control-system capabilities” that could be extremely harmful to critical infrastructure if successful.

The hackers use emails and malicious websites through phishing campaigns to attempt to obtain credentials to access and sabotage the networks of the organizations. The staging of the campaign started with third-party vendors tied to the critical infrastructure organizations where they “housed” the malware to use later in the primary attack. [Read more](#)

[FERC Proposes New Cybersecurity Rules for Electric Grid](#)

The Federal Energy Regulatory Commission (FERC) has proposed new rules to enhance cybersecurity for the electric grid in the U.S., which includes security management controls to specifically respond to risks associated with malware.

FERC suggested that the North American Electric Reliability Corporation, the nonprofit organization that helps regulate the U.S. electric utility industry, implement “mandatory controls to address the risks posed by malware from transient electronic devices like laptop computers, thumb drives and other devices used at low-impact, bulk electric system cyber systems....” [Read more](#)

HIPAA

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FEATURED TOPICS:

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

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Open Enrollment for 2018: Don't Forget about HIPAA!

With open enrollment in full swing for many employers, now is a good time to review employee benefit communications. Health plan sponsors are generally responsible for properly administering all of the health plan notices required by law, including HIPAA. To ease the administrative burden and cut costs, these notices can, and often are, included among open enrollment materials. HIPAA-related notices that may be included in open enrollment communications are the HIPAA Privacy Notice, HIPAA Special Enrollment Rights Notice, and wellness program disclosures. [Read more](#)

OCR Notified of Patient Records Stored in Psychiatrist's Basement

Paper records continue to be problematic. An Illinois psychiatrist reported to the Office for Civil Rights (OCR) that the medical records of 10,500 patients were stored in the basement of a house that he rented to an individual for at least four years. The psychiatrist's wife, who provided the tenant a key to the basement asked the tenant to let workmen into the house to complete projects. She discovered the records (boxes stored in the basement) and later notified the OCR and the local news station. [Read more](#)

DATA BREACH

At least 473,074 Individuals' Health Care Records Breached in September 2017

Unfortunately, September was another banner month for data breaches involving the health care industry. According to the Office for Civil Rights (OCR) website, 39 data breaches involving over 500 records were reported to the OCR in the month of September. This does not include all records breached, as health care entities have until February 2018, to notify the OCR of breaches involving less than 500 records. [Read more](#)

ENFORCEMENT + LITIGATION

Nonprofit Fundraiser Escapes TCPA Case

An Illinois federal judge has ruled that a fundraising company working for a nonprofit, tax-exempt organization did not violate the Telephone Consumer Protection Act (TCPA) when it called a number listed on the National Do Not Call Registry because the activity fell within the nonprofit exemption of TCPA. [Read more](#)

DRONES

[FAA Grants CNN Approval to Operate Drones over People in the “Real World”](#)

The Federal Aviation Administration (FAA) has granted CNN approval to operate drones over people in real-world conditions, which means that, for the first time, drones will be allowed to fly over wide ranges of urban and suburban environments. CNN requested a Part 107 waiver, which was granted by the FAA, allowing it to fly drones up to an altitude of 150 feet above ground level.

When applying for the waiver, CNN developed a “Reasonableness Approach” and concentrated on the ability to fly the drones safely. The FAA then evaluated factors such as the operator’s history of safe operations, internal company safety procedures, and design features of the system that increase safety. [Read more](#)

[Just How Small Does a Drone’s “Brain” Need to Be? The Push to Miniaturize a Drone’s Computer Chip](#)

Imagine consumers (and businesses alike) buying a bottle-cap sized drone that they can integrate with their smart phone, fly from the palm of their hand, and land it there again, all while instantaneously uploading video and photos captured by the drone onto their phone and sharing it with others. Current mini-drone prototypes are certainly small enough to fit on a person’s fingertip and light enough that they only require 1 watt of power to lift off the ground (or your palm); however, the missing piece is the computers inside the drone. These mini-drones can’t fit a computer that provides enough power or memory to function meaningfully. Essentially, the drone’s “brains” are lacking. [Read more](#)

PRIVACY TIP #111

[Stop Cyberbullying: Check out nobully.org](#)

I was fortunate this week to be able to attend and speak at the annual Privacy Xchange Conference sponsored by CyberScout. There were amazing presentations during the conference, but one in particular touched me and is worthy of mention as a Privacy Tip.

Nicholas Carlisle, founder and CEO of No Bully, shared his firsthand experience with bullying when he was a teenager in high school. This experience touched him deeply. He devoted the rest of his professional life to helping others, and the experience led him to a number of impressive accomplishments, including starting an organization devoted to the prevention of bullying: No Bully.

No Bully's mission is to prevent and stop bullying, including cyberbullying. It uses a number of interventions and processes, the No Bully System®, for schools and parents to adopt.

In general, the System has four levels:

1. Prevent bullying and build an inclusive school culture
2. Interrupt and refer to a solution coach
3. Hold a solution team meeting and follow up
4. Implement an empathy-building action plan

Cyberbullying (and all bullying) is hurtful and can cause lasting damage. Check out nobully.org to find out more about how you can help prevent and stop bullying.

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