

## Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks

### CYBERSECURITY

#### [Urgent Joint Cybersecurity Advisory on Atlassian Vulnerability Issued](#)

The Cybersecurity & Infrastructure Security Agency (CISA), FBI, and MS-ISAC recently released an urgent [Joint Advisory](#) on the Atlassian Confluence Vulnerability CVE-2023-22515.

According to the Alert, “this critical vulnerability affects certain versions of Atlassian Confluence Data Center and Server, enabling malicious threat actors to obtain initial access to Confluence instances by creating unauthorized Confluence administrator accounts.” [Read more](#)

#### [HC3 Warns Healthcare Organizations of NoEscape Ransomware](#)

On October 12, 2023, the Health Sector Cybersecurity Coordination Center (HC3) issued an Alert to the healthcare industry about a “new threat actor and ransomware,” NoEscape, which is threatening health care organizations.

According to [the Alert](#), the cybercriminals behind NoEscape “have constructed their malware and its associated infrastructure entirely from scratch.” Offering Ransomware-as-a-Service, they have targeted multiple industries, including the healthcare and public health sectors. [Read more](#)

### ENFORCEMENT + LITIGATION

#### [Shareholder Suit Against Meta for Data Breach Goes Forward](#)

Meta (formerly Facebook) has been hit with a revived class action shareholder suit stemming from its involvement with Cambridge Analytica, a firm that infamously mined Facebook user data for hyper-targeted political engagement. The 9th U.S. Circuit Court of Appeals in San Francisco restored shareholders' claims that Meta falsely stated that user data “could” be compromised, even though the company was already aware that the UK-based consulting firm Cambridge Analytica had violated its privacy policies. [Read more](#)

### DATA PRIVACY

#### [Controversial ‘Keyword Search’ Warrant Leads to Arrests in Murder Case](#)

This week, the Colorado Supreme Court upheld a criminal conviction which relied in part on evidence obtained pursuant to a warrant for Google search data. *People v. Seymour*, 2023 CO 53 (Oct. 16, 2023) (available at <http://www.courts.state.co.us>).

In investigating the cause of a 2020 apparent arson fire at a Denver residence which resulted in the deaths of five people, police served a “reverse-keyword warrant” on Google, requesting information about individuals who had searched for the address of the house. While Google initially objected, it eventually complied and provided data that allowed the investigators to focus on five Google accounts. This ultimately led to the arrest of three teenagers. [Read more](#)

October 20, 2023

### FEATURED AUTHORS:

[Linn F. Freedman](#)  
[Kathryn M. Rattigan](#)  
[Blair V. Robinson](#)

### FEATURED TOPICS:

[Artificial Intelligence](#)  
[Cybersecurity](#)  
[Data Privacy](#)  
[Data Security](#)  
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[Privacy Tip](#)

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## ARTIFICIAL INTELLIGENCE

### [Balancing AI with Human Ingenuity](#)

The writers' strike included the concern that artificial intelligence (AI) would put writers out of business. According to one writer, [David Vuijsje](#), "[T]he creative industry stands at a crossroads where technology and human creativity must learn to coexist harmoniously." He muses that provisions in the new agreement between Hollywood and its writers "sets a vital precedent for industries worldwide, reinforcing the principle that AI should be a tool that enhances, rather than replaces, human creativity." [Read more](#)

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## DATA SECURITY

### [Red Cross Creates Rules for Civilian Hackers in Conflict Zones](#)

The International Committee of the Red Cross (ICRC) has taken a new step to regulate the activities of civilian hackers in conflict zones. To address the rise in the involvement of civilian hackers in inter-state conflicts, the ICRC has come up with eight directives to ensure that these hackers don't end up harming non-combatants. [Read more](#)

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## PRIVACY TIP # 376

### [Credit Reporting Agencies Extend Program to Check Credit Report Weekly for Free](#)

How often do you check your credit? Credit reporting agencies TransUnion, Experian, and Equifax have extended their programs to provide consumers with the ability to access their credit reports for free on a weekly, rather than yearly, basis. Find out more in today's Privacy Tip. [Read more](#)

## Recent Events & News:

### **October is Cybersecurity Awareness Month**

- Data Privacy + Cybersecurity Team chair [Linn Freedman](#) was quoted in an article titled, '[Scrutiny on Tracking Pixels Signals Shift for Data Collection](#),' published in *Bloomberg Law* on October 16, 2023. The article details how tracking pixels are in the Federal Trade Commission's (FTC) crosshairs as lawsuits pile up concerning the collection, disclosure, and dissemination of consumer data. In-house counsel are taking stock of their internal collection controls and incorporating more transparency over the tracking software they use. "As a result of this litigation, companies are being way more specific, so that if a consumer reads the privacy policy, then they will have a little more idea of how pixel technology is being used," Linn told *Bloomberg Law*. "When both the FTC and the OCR come out with guidance, general counsel should be looking at that guidance, because it provides some idea of how regulators are looking at this."
- Data Privacy + Cybersecurity Team chair [Linn Freedman](#) was quoted in the article '[PBN Summit: Cybercriminals rapidly growing more sophisticated, organized](#)' as part of *Providence Business News'* coverage of the publication's PBN Cybersecurity and Tech Summit hosted on October 12, 2023. Linn was quoted from the panel discussion indicating that "99% of victims end up paying out ransoms. She implored the attendees to create an incident response team if they don't already have one. And never try and reason with cybercriminals privately, Freedman said." Linn went on to say that "While ransomware, which hackers use to lock people out of their own data, remains a problem, email phishing attacks more than doubled in 2023, said Freedman, who has seen the evolution of hacking groups. Many now have a corporate model with top-down management and delegated authority. And with the average ransom payment exceeding \$1 million, businesses need to get the proper insurance."
- Artificial Intelligence Team lawyer [Sean Griffin](#) was among the presenters who attended the International Association of Defense Counsel (IADC) Cyber Security, Data Privacy and Technology Committee monthly meeting, hosted virtually on October 17, 2023. Sean serves as the Vice Chair of Communications for the Committee. His presentation illustrated how the Federal Acquisition Regulatory Council's newly proposed cybersecurity regulations impose new reporting and compliance requirements and will expand how federal contractors, including companies that are not currently subject to such requirements, could face liabilities under the False Claims Act.
- Health Law Group lawyer [Kathleen Healy](#) presented a program titled "A Case Study in Innovation - Using AI and Digital Health to Advance Health Care at Home," as part of the Massachusetts Bar Association's (MBA) 2023 Health Law Conference on September 29, 2023.

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