



Relationships



Communication



Budgeting and Staffing



Know-How



Results

Data Breach: Let's Talk about it... or Not...

2019 Essential Cybersecurity Law Seminar

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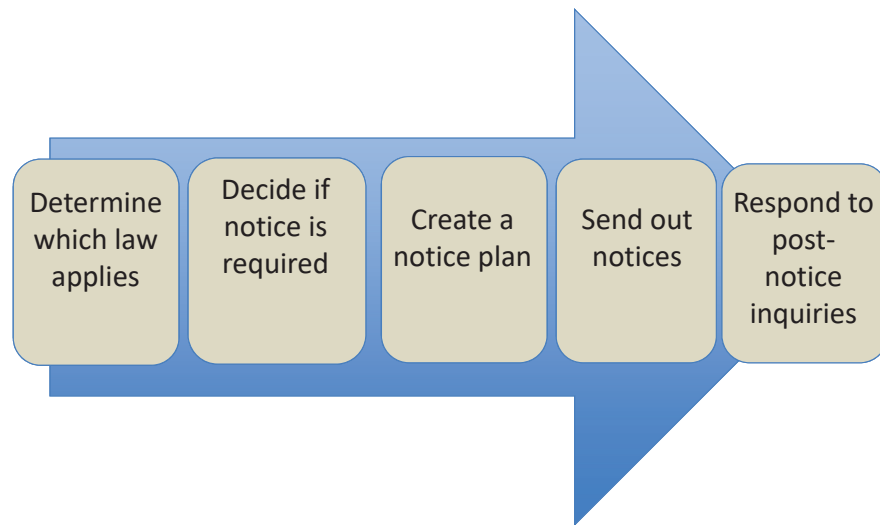
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A Data Breach Disclosure Plan



Determine Which Law Applies

- U.S. Laws
 - Health Care Providers (HIPAA)
 - Financial Service Providers (GLB)
 - Companies that accept credit or debit cards
 - Educational institutions (FERPA)
 - Telecommunication companies (FCC)
 - Public companies (SEC disclosure)
- State Laws
 - All states have general breach notification statutes
- International Law
 - EU General Data Protection Regulation (GDPR)



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Federal Breach Laws: Health Care

- § 9:1. HIPAA Covered Entity Breach Notice (42 U.S.C. 17921, 17932 et seq.)
- § 9:2. HIPAA Personal Health Record Breach Notice (42 U.S.C. § 17937)
- § 9:3. HIPAA HHS Rule (45 CFR 164)
- § 9:4. HIPAA FTC Rule (16 CFR 318)



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Federal Breach Laws: Financial Service Providers

- § 9:5. Gramm-Leach-Bliley Act (15 U.S.C. § 6801)
- § 9:6. GLB Interagency Guidelines Establishing Information Security Standards (“Security Standards”)
- § 9:7. GLB Fed Reserve Joint Letter (SR 05-23)
- § 9:8. GLB Credit Union Guidance (15 U.S.C. § 6801)
- § 9:9. GLB SARs (15 U.S.C. § 6801)--Suspicious Activity Reports (12 CFR 21.11 and 12 CFR 208.62)

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