



Relationships



Communication



Budgeting and Staffing



Know-How



Results

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

## ***2019 Essential Cybersecurity Law Seminar***

***July 25, 2019***



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1



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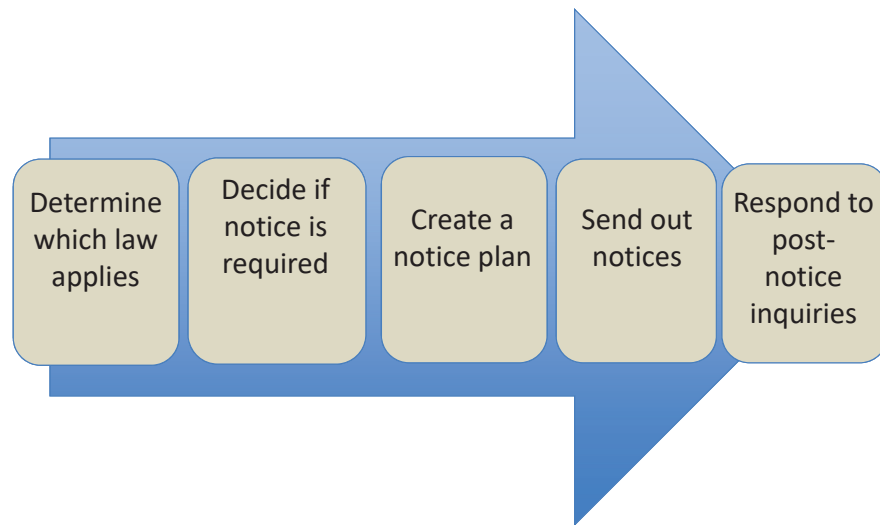
**Monté L. Williams**  
**Emergency Response Team**  
**monte.williams@stepToe-johnson.com**  
**304.598.8142**



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2

# 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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