

Robinson+Cole

Data Privacy + Security Insider

Leveraging Knowledge to Manage Your Data Risks



ENFORCEMENT + LITIGATION

[Wendy's is Successful in Trimming Data Breach Class Action Suit, but No Dismissal](#)

We have previously discussed the class action case filed against Wendy's as a result of a data breach [view related [post](#)]. The case was initially dismissed based upon lack of standing, but the plaintiffs were given the opportunity to amend the complaint. After filing the amended complaint, Wendy's filed a motion to dismiss. [Read more](#)

[Third Circuit Holds Criminal Defendant in Contempt for Refusing to Decrypt Hard Drives](#)

In a precedential ruling, the Third Circuit Court of Appeals this week upheld a lower court's ruling holding a criminal defendant in contempt for refusing to decrypt two external hard drives seized during a child pornography investigation. During the investigation, the government seized the defendant's property, including two iPhones, a MacBook Pro, and two external hard drives following a search of his home. All of the devices were password protected. U.S. Department of Homeland Security agents were able to unlock the MacBook Pro but were unable to decrypt the external hard drives or thousands of images and videos on one of the iPhones. [Read more](#)

[Neiman Marcus Settles Data Breach Class Action Case for Up to \\$1.6 Million](#)

We have followed the Neiman Marcus case from the moment the data breach was announced [view related posts [here](#), [here](#), and [here](#)]. After winding through the judicial system, Neiman Marcus has agreed to settle, and the plaintiffs have requested that the judge approve the proposed settlement, reached after mediation proceedings. [Read more](#)

[IRS Files Petition to Enforce Summons Issued to Virtual](#)

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[Currency Company](#)

The Internal Revenue Service (IRS) obtained authorization from a California federal court last November to serve a John Doe summons on the virtual currency firm Coinbase. The purpose of the summons was to obtain customer information to determine whether customers were using virtual currency to avoid paying income taxes. [Read more](#)

DATA PRIVACY

[Congress, FCC Weigh Measures to Repeal ISP Privacy Rules](#)

Last October, the Federal Communications Commission (FCC) approved new privacy rules governing how Internet service providers (ISPs) are permitted to use and share its customers' personal information. The rules have been fiercely contested by telecom companies that contend they are being unfairly held to more stringent regulations than so-called edge providers (Google, Facebook, etc.), which are only subject to less restrictive guidelines established by the Federal Trade Commission (FTC). [Read more](#)

DRONES

[DJI Releases Report on Lifesaving Drone Operations](#)

DJI, a market leader in drones and aerial systems, released a new report, "[Lives Saved: A Survey of Drones in Action](#)," on lifesaving drone operations using data collected from around the world. DJI reports that drones have helped rescue at least 59 people from life-threatening conditions in 18 separate incidents. The notable takeaway from this report is that most of these lifesaving drones were operated by civilian bystanders and volunteers offering to help professional rescue personnel. This indicates a benefit to public safety even with just the widespread adoption of personal drone use. With greater use by professional rescue teams, will likely increase the numbers and the benefit. [Read more](#)

[Maryland Sheriff's Office Recovers Stolen Construction Goods through Drones](#)

Last week, the Cecil County Sheriff's Office in Maryland used an unmanned aerial vehicle (UAV) to recover nearly \$400,000 worth of stolen construction equipment, which also led to the arrest of the alleged culprit. The New Jersey State Police, the Pennsylvania State Police, and the Delaware Fish and Wildlife Natural Resources Police were all investigating this case—the construction equipment had been

stolen across all four states. [Read more](#)

PRIVACY TIP #79

[Consumer Reports will Help Us with Privacy and Security of Products](#)

What a great idea!

Trusty *Consumer Reports* has announce it is collaborating with three cybersecurity firms to “create a new standard that safeguards consumers’ security and privacy—and we hope the industry will use that standard when building and designing digital products such as connected devices, software, and mobile apps.” The standard is a response to the fact that most Americans do not have confidence in the privacy of their personal information.

The standard is designed to test products specifically on their security and how that impacts their ability to protect a consumer’s privacy. According to *Consumer Reports*, “[T]he goal is to help consumers understand which digital products do the most to protect their privacy and security, and give them the most control over their personal data.”

Consumer Reports has posted the standard as a [public document](#) and requests feedback from the technical community.

It is a challenging time when it comes to protecting privacy, particularly with new mobile apps and other products that can collect and use our personal information. Even those of us who make a living staying on top of these issues have a hard time keeping up with all of the new products and technology that impact our privacy. This standard by *Consumer Reports* is a welcome tool to assist all of us in the ability to keep track of which products are collecting and using our data and which ones care the most about protecting it.

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