

Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks

CYBERSECURITY

[Health and Personal Information of N.C. Residents Posted Online by Ransomware Group](#)

Becker's Health IT reports that two batches of sensitive information of Chatham County, N.C. residents have been posted online on the dark web and light web by the ransomware group DoppelPaymer, and that the files have been accessed more than 30,000 times. [Read more](#)

ENFORCEMENT + LITIGATION

[11th Circuit Says Standing in Data Breach Case Requires Actual Harm](#)

Last week, in *Tsao v. Captiva MVP Restaurant Partners, LLC* (Captiva), the U.S. Court of Appeals for the 11th Circuit held that data breach claims arising from increased risk of future identity theft and potential mitigation effort costs, WITHOUT any evidence of actual data misuse or harm, did not satisfy Article III standing. This decision marks the 11th Circuit's joining of several other Circuit courts that a plaintiff must establish evidence of harm to satisfy standing requirements. To date, the 1st, 2nd, 3rd, 4th and 8th Circuits have also held that plaintiffs may not establish Article III injury-in-fact based on increased risk of harm. [Read more](#)

DATA PRIVACY

[Virginia Might Be the Next State to Enact a Privacy Law](#)

The state of Virginia might be the next state to enact a privacy law. [Senate Bill No. 1392](#) recently passed the Senate and is likely on its way to Governor Ralph Northam's desk. The bill adds the Consumer Data Protection Act to the Virginia Code and includes definitions of biometric data, precise geolocation data, profiling, sensitive data, and targeted advertising. The bill's effective date is January 1, 2023. [Read more](#)

HIPAA

[OCR Continues to Enforce Its HIPAA Right of Access Initiative](#)

The Office for Civil Rights (OCR) recently announced another settlement involving investigations under its Right of Access Initiative. This settlement, the sixteenth such agreement under the Initiative (and one of the most interesting), involves San Diego-based Sharp HealthCare, doing business as Sharp Rees-Stealy Medical Centers

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(SRMC). In the settlement, OCR alleged that it received a complaint on June 11, 2019, stating that SRMC “failed to timely respond” to a patient’s request to electronically access his medical records. OCR provided technical assistance to SRMC and closed the case. [Read more](#)

NEW + NOW

[U.S. Users Targeted with Phishing Scams More Than Users in Other Countries](#)

The statistic that cybercriminals have been unleashing 18 million phishing emails laced with malware on a daily basis into cyberspace during the pandemic is mind boggling, and one that executives should pay attention to when prioritizing resources for user education. Math was never my strongest subject, but 18 million malicious emails targeted at all of us on a daily basis is a LOT. [Read more](#)

PRIVACY TIP #272

[To Get Up to Speed on Facial Recognition Technology Read This](#)

It’s called [This is how we lost control of our faces](#) published in the February 5, 2021 edition of *MIT Technology Review*, written by Karen Hao. This week’s privacy tip reviews the [article](#), which outlines a study recently published by Deborah Raji and Genevieve Fried titled *About Face: A Survey of Facial Recognition Evaluation*. [Read more](#)



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