

Robinson+Cole

Data Privacy + Security Insider

Leveraging Knowledge to Manage Your Data Risks



YEAR IN REVIEW

Data privacy and security stories frequently made headlines in 2016. The posts below recap this year's developments and offer insight into what could be ahead in 2017.

- [2016 Was the Year of the Data Breach](#)
- [Top Ten Education Developments, Breaches, and Settlements of 2016](#)
- [Global Privacy and Data Security in 2016 and 2017](#)
- [The State of Cybersecurity in 2016 and the \(potential\) Great Cyber Fire](#)
- [The Drone Market: 2016 Year in Review](#)
- [5 Information Governance Predictions for 2017](#)

DATA BREACH

[Cyber-attack on LA County Compromises 756,000 individuals' information](#)

A Nigerian national has been charged with a cyber-attack on Los Angeles County employees that compromised the personal information of over 756,000 people. The attack took place on May 13, 2016, when the attacker sent a phishing email to over 1,000 LA County employees from several departments. [Read more](#)

CYBERSECURITY

[Bank Objections Play Key Role in Delay of New York Cybersecurity Regulation](#)

The New York Department of Financial Services announced last week that it will revise and delay the effective date of its proposed cybersecurity regulation. The announcement came two days after New York bankers brought up a number of criticisms of the proposed rules at a hearing before the state's Standing Committee on Banks. [Read more](#)

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[Drones](#)
[Privacy Tip](#)
[Year in Review](#)

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[FDA Guidance on Cybersecurity in Medical Devices](#)

On December 28, 2016, the Food and Drug Administration (FDA) issued [guidance](#) on *Postmarket Management of Cybersecurity in Medical Devices*. The guidance clarified aspects of the reporting requirements under Part 806 (21 CFR part 806), which require device manufacturers and importers to report certain device corrections and removals to the FDA. [Read more](#)

ENFORCEMENT + LITIGATION

[American Eagle Settles TCPA Class Action for \\$14.5 Million](#)

American Eagle Outfitters (American Eagle) settled a class action filed against it for alleged Telephone Consumer Protection Act (TCPA) violations for \$14.5 million last week. The class action complaint alleged that American Eagle sent unsolicited text messages to over 600,000 unique cell phone numbers without prior written consent as required by the TCPA. The class consists of approximately 618,289 customers who claim to have received texts beginning in April 2010. [Read more](#)

[Inbound Call Experts to Pay \\$10 Million for Consumer Redress](#)

Florida-based tech support scheme, Inbound Call Expert, doing business as Advanced Tech Support, will pay \$10 million for consumer redress in accordance with the Federal Trade Commission's (FTC) final order. The FTC, and the State of Florida, charged Inbound Call Expert with deceiving thousands of consumers by using high-pressure sales pitches to telemarket tech support products and services falsely claiming to find viruses and malware on consumers' computers. [Read more](#)

DATA PRIVACY

[Governors Recommend States Align Privacy Laws With Federal HIPAA](#)

The National Governors Association released a roadmap report on December 9, 2016, titled, *Getting the Right Information to the Right Health Care Providers at the Right Time: A Road Map for States to Improve Health Information Flow Between Providers*. The report aims at reducing the legal barriers that prevent the effective and efficient flow of health related information within the HIPAA framework. [Read](#)

[more](#)

DRONES

[FAA Will Focus on Recreational Drones as the Holiday Season's End Draws Near](#)

As the holiday season comes to an end, the Federal Aviation Administration (FAA) will pay closer attention to recreational drones. Why? Because hundreds of thousands of drones were given as gifts, and the FAA will increase its efforts to encourage new drone owners to safely operate their new devices. The FAA has [released a video](#) directed at new drone owners, which provides them with some background for safe and legal recreational drone operation. [Read more](#)

[FAA Drone Registration Systems Marks its One-Year Anniversary](#)

The Federal Aviation Administration's (FAA) drone registration system marked its one year anniversary on December 21, 2016. Since then, 616,000 drone owners have registered their drones. The FAA sees this as a great achievement in safety; upon registration each applicant receives "basic safety information" so over 600,000 drone owners now have "basic aviation knowledge to keep themselves and their friends and neighbors safe when they fly." [Read more](#)

PRIVACY TIP #67

[Don't Fall for Telemarketing Schemes Offering to Fix Your Computer](#)

I received a call last week on my home land line and when I picked it up, (hardly anyone I want to actually talk to calls my home telephone number) the caller on the other end informed me that he was from "Microsoft 10," and indicated that I had a terrible virus in my computer and which they had detected and needed to fix it right away.

I personally love to torture these callers when they call and I have time. I first ask where their company, "Microsoft 10," is incorporated and where its principle place of business is located. What is the name of their CEO? Are they publicly traded on the New York Stock Exchange? What is their relationship with Microsoft? By the first question, they are usually dumbfounded and they either hang up or I hang up after they can't answer the third question.

We've all had the same experience with these calls and they seem to be happening more frequently.

The good news is that the Federal Trade Commission (FTC) made some progress in stopping these calls this week. Although I am not fooled by these calls, every day consumers, and particularly the elderly, are tormented by these calls and they become the victims of fraud.

The FTC announced this week that it has entered into an order with the Florida Attorney General against Inbound Call Experts, LLC, Advanced Tech Support Co., LLC, PC Vitalware, LLC, and Super PC Support, LLC. Along with a payment of \$10 million, the defendants are required to stop telling consumers that they have found viruses on their computers, and to stop misrepresenting that they are able to do so. They are also required to review the business practices of any lead generators that they use. Apparently the defendants were using high pressure sales tactics to make the consumers believe that they were able to detect malware and viruses on individuals' home computers.

Although the FTC has levied this hefty fine on these telemarketing companies, I expect that the calls will continue throughout 2017 and beyond, and that individuals will continue to believe the caller and set themselves up for fraud.

Beware of unknown individuals calling you and telling you that you have an issue with your computer. Ask them a few basic legitimate questions that they will not be able to answer the questions and they will hang up. Or just hang up on them.

Either way, don't give anyone pretending to be "tech support" your user name or password or any information about you. Complain about them to the FTC and tell your family and friends not to be fooled by them. If they are unable to get information from you or others, they will not be able to stay in business as they will not be able to make money. And after all, that is the key to all of these schemes—to get you to give them your information so they can use it against you and to commit fraud against you. Don't be an easy target—let's all work together to stop these fraudulent telemarketing schemes.

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