



# Cybersecurity & Data Regulation

---

**Standing at the Crossroads**

# 2019: The Data Breaches Continued

Zynga



Wawa



CafePress



State Farm



Quest Diagnostics



Poshmark



Earl Enterprises



CenturyLink



Verizon



DoorDash



Capital One



Web.com



Facebook



# Budgetary Reality

**SECURITY BUDGET BEFORE A BREACH**



**SECURITY BUDGET AFTER A BREACH**





# The Truth about Cyber Insurance

- Insurance company dictates incident response
- Insurance protects the companies, not the individual officers
- Rates are going up

TECHNOLOGY NEWS JANUARY 22, 2020 / 4:04 AM / 14 DAYS AGO

## Insurers look to curb ransomware exposure as U.S. cyber rates rise

Suzanne Barlyn

4 MIN READ

(Reuters) - U.S. insurers are ramping up cyber-insurance rates by as much as 25% and trying to curb exposure to vulnerable customers after a surge of costly claims, industry sources said.

<https://www.reuters.com/article/us-usa-internet-privacy-idUSKBN1KH2MK>

# ***EQUIFAX***

A Watershed Moment

# Equifax – By the numbers



People impacted

147 Million

Citizens Affected

USA  
U.K.  
Canada

Data Exposed

Social Security Number  
Date of Birth  
Address  
Driver's License \*  
Credit Cards \*

# Equifax – The Fallout



Offers Equifax TrustID service free for 1 year as restitution

*Service requires opting out of Class Action.*

*This wording is removed on public outcry*

50 attorney generals file suit for Negligence

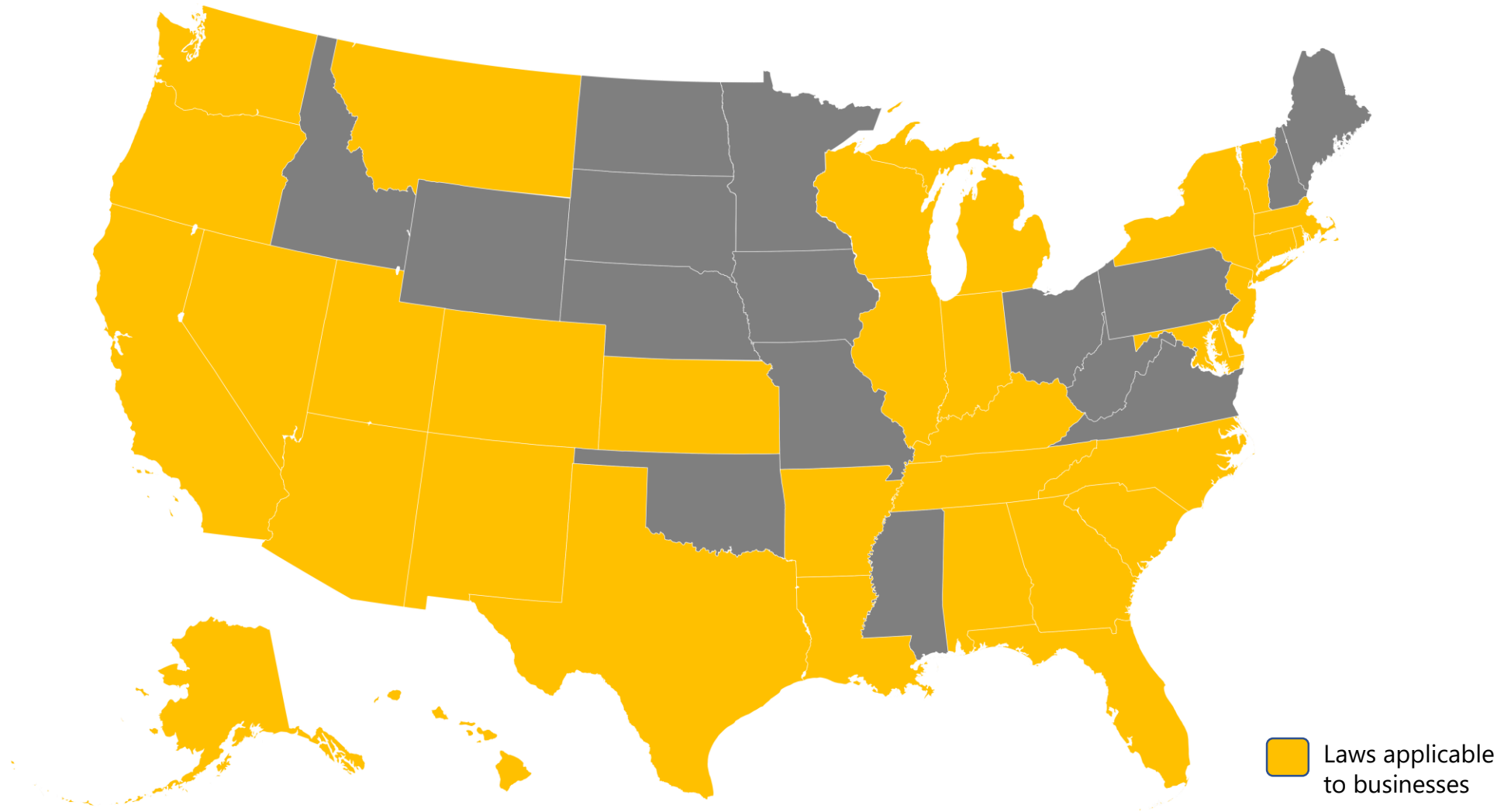
*Lawsuit is won; creates a \$425M Customer Restitution Fund and makes payments to participating states*

# Data Disposal Laws

- Applies to Personal Information
  - Anything identifying an individual human being
- May contain **breach notification requirements**
  - Some are “**without reasonable delay**”
  - Some have **time limits**



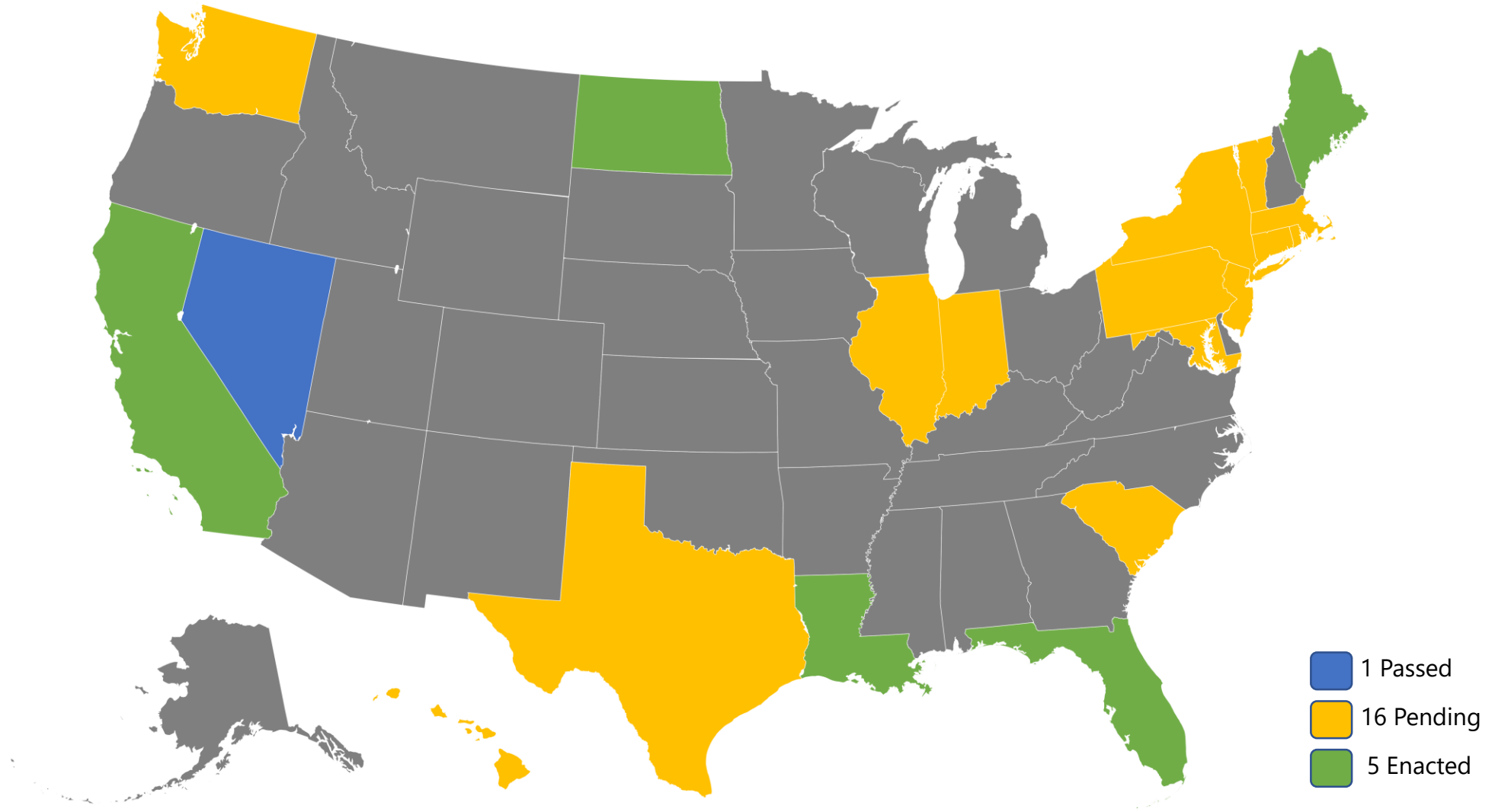
# Data Disposal Laws – By State



# Data Privacy Laws

- Also applies to Personal Information
  - Anything identifying an individual human being
  - Can vary; IP Address as an example
- Contain **breach notification requirements**
  - Specific about days to notify
  - Set size of breach to notify

# Data Privacy Laws – By State





# General Data Protection Regulation

---

Year in Review

# General Data Protection Regulation (GDPR)

- Entering 3<sup>rd</sup> year
- The template for CCPA and others
- Largest single fine - \$230M

Year	Euros (€)
2018	€ 4,410,460
2019	€ 410,260,983
2020	€ 12,087,240

Enforceable: May 28, 2018



# State Level Data Privacy Policies

---

## A Primer



# California Consumer Privacy Act (CCPA)

Based on GDPR with key differences

- Must track of consent for **minors under 13**
- “**Do Not Sell My Personal Information**” button on homepage
- **Toll free number** for Data Access Requests
- **Prevent Opt-In Consent** for 12 months following Opt Out Requests
- **Narrower** Definition of Personal Data
  - Excludes personal data acquired through 3<sup>rd</sup> parties in some cases
- Targets large corporations (<\$50M annual gross revenue)

Enforceable: January 1, 2020

# New York Consumer Privacy Act (NYPA)

Similar to CCPA

- **Fiduciary responsibility** prioritizes customer data privacy above their own profits
- “Private Right of Action” allows citizens **to sue companies directly**
- **No stated scope of penalty**; left to courts
- Stop Hacks and Improve Electronic Data Security (**SHIELD**) **Act** may also influence NYPA scope and authority

Pending in state senate

# Washington Privacy Act (CCPA)

Pending legislation

- **Corporate Responsibility** ensures that data is only used for the reason it was collected. *You cannot collect a phone number for account protection then use it for marketing purposes*
- Right to Access, Correct and Delete My Data
- **Transparency** requires companies to be clear about intentions to collect data
- **Enforcement** enables the A.G. to fine up to \$7500 per violation per person
- **Specifically addresses emerging technology like Facial Recognition**

# Washington Privacy Act (CCPA)

Pending legislation

- **Corporate Responsibility** ensures that data is only used for the reason it was collected. *You cannot collect a phone number for account protection then use it for marketing purposes*
- Right to Access, Correct and Delete My Data
- **Transparency** requires companies to be clear about intentions to collect data
- **Enforcement** enables the A.G. to fine up to \$7500 per violation per person
- **Specifically addresses emerging technology like Facial Recognition**



# Federal Data Privacy Policies

---

## A Primer

# U.S. Federal Privacy Law

Currently only covers a few key areas

- Financial Services
- Children
- Some Health Data

TECHNOLOGY NEWS JULY 27, 2018 / 2:36 PM / 2 YEARS AGO

## Trump administration working on consumer data privacy policy

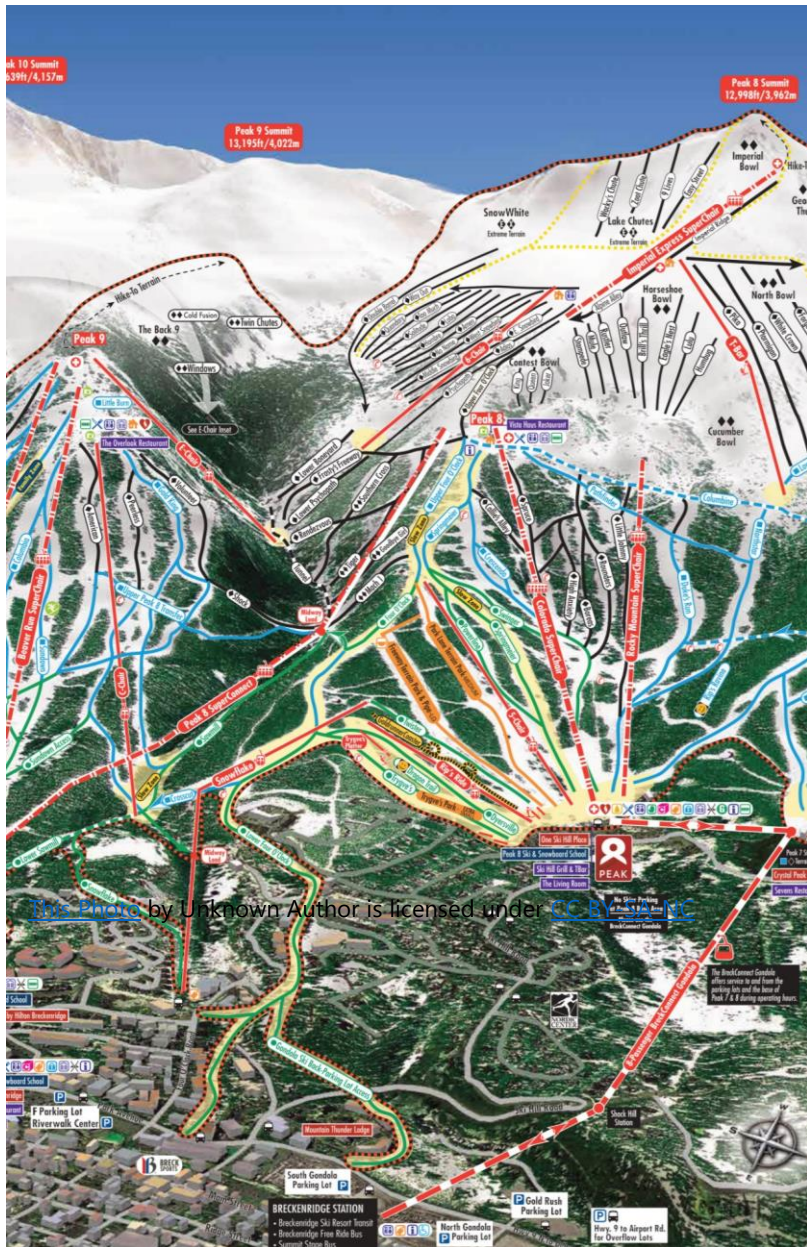
David Shepardson

5 MIN READ

WASHINGTON (Reuters) - The Trump administration is working to develop consumer data privacy policies, and the Commerce Department is meeting with big companies like Facebook Inc, Comcast Corp and Alphabet Inc as it looks to eventually seeing the policies enshrined in legislation, two officials said on Friday.

<https://www.reuters.com/article/us-usa-internet-privacy-idUSKBN1KH2MK>





# Navigating The Compliance Landscape

---

# Call to Action

1

Know your Data  
*Don't forget dark data*  
•Cold Backups  
•Data on devices

2

Classify/Protect  
your Data

3

Map your Data  
Privacy/Disposal  
Obligations

4

Implement your  
policies and  
controls



Microsoft