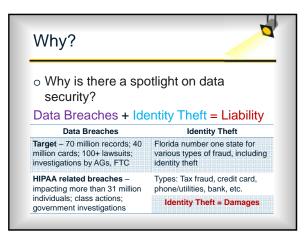
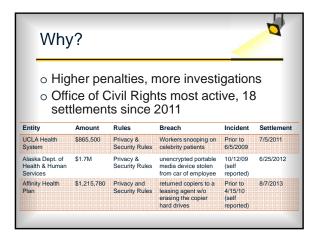
# Data Privacy and Security for Businesses

Rotary Club of Brooksville

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# Who Has Obligations?

Every business

- Regulated
  - Healthcare HIPAA HHS's Office of Civil Rights, State AGs
  - Financial services GLBA Office of the Comptroller of the Currency, Federal Reserve Board, FDIC, etc.

# Who Has Obligations?

#### Every business

#### Non-Regulated

- Federal Trade Commission
  - "works for consumers to prevent fraudulent, deceptive, and unfair business practices"
  - has authority to pursue any company that has engaged in "unfair or deceptive acts or practices in or affecting commerce"
  - FTC settlement
  - 20 year compliance period
  - will take action against individual owners

# Who Has Obligations?

#### o Every business

#### Non-Regulated

- Florida Information Protection Act (SB 1524)
  - Unanimously approved by the legislature on April 30
  - Governor's signature pending
  - Broadens Florida's existing data breach law
  - Requires that "[e]ach covered entity, governmental entity, or third-party agent shall take reasonable measures to protect and secure data in electronic form containing personal information."

## Who Has Obligations?

- o Florida Information Protection Act
  - Covered entity = sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information.
  - Personal information = means an individual's first name or first initial and last name in combination with any one or more of the following data elements for that individual:
    - SSN; driver license or identification card number; credit or debit card no. (w/security code, access code, password); healthcare information; individual's health insurance policy number; etc.

### "Reasonable Measures"?

- What does it mean to "take reasonable measures to protect and secure data in electronic form containing personal information"?
  - Administrative safeguards
  - Physical safeguards
  - Technical safeguards

### And a Few More Questions...

### **Any Questions?**

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### Disclaimer

This slide presentation is informational only and was prepared to provide a brief overview of some data privacy and security issues. It does not constitute legal or professional advice.

You are encouraged to consult with an attorney if you have specific questions relating to any of the topics covered in this presentation, and Melnik Legal PLLC would be pleased to assist you on these matters.