



It's Data Privacy Week – Have You Reviewed Your Business's Data Protection Lately?

Data Privacy Week begins today. In honor of this international effort to safeguard data, we write with some tips and best practices to help keep your business compliant with the law and data private.

All 50 states currently have data breach laws, requiring businesses to implement protections for personally identifiable information (PII), such as social security numbers, financial account numbers, biometric identifiers, health information, and genetic information. These laws generally require businesses to issue notices in the event of a security breach related to PII and establish penalties for failure to protect data or issue required notifications. Additionally, at the federal level and under international law, various other privacy laws regulate certain businesses and kinds of data, including HIPAA (for health information), FERPA (for education records), GDPR (for European PII), GLBA (for financial information), and many more. While describing the particulars of each of these laws is beyond the scope of this Monday Minute, it is important that businesses familiarize themselves with their regulatory obligations and understand that protecting sensitive data is a high-stakes undertaking.

There is no better time than Data Privacy Week to:

- Review your company's security procedures and data protection policies. You shouldn't wait until after a security breach to know what steps your business will take to investigate and respond to a breach. Your company should also have clear ownership of the cybersecurity function, with assigned roles and responsibilities, and an understanding of what cybersecurity framework or industry standards your company is implementing to guide its compliance (such as ISO 27001 and 27002, NIST, COBIT, etc.).
- Review your cybersecurity insurance policy and limits to ensure adequate coverage is in place.
- Make sure your company is following best practices for access control, including employing multi-factor authentication, disabling accounts of terminated employees, granting users access only to that information necessary to perform their work, enforcing strong password management, classifying types of data and implementing

additional protection for sensitive data, and implementing robust systems to monitor for suspicious activity.

- Make sure your contracts with third-party service providers require implementation of security procedures and protection of PII.
- Review the thoroughness of your company's data privacy training programs, which should include onboarding training for new employees and refreshers/ongoing education for employees.
- Implement a data minimization program, limiting data collection to the data that is directly relevant and necessary to your company's business (don't ask for sensitive PII that your company doesn't need and will just increase risk), and retain PII only so long as it is necessary to fulfill its purpose (in accord with a detailed record retention and destruction policy).
- Make sure your employees are treating private information with the sensitivity it deserves regardless of "medium" (*i.e.*, don't leave sensitive printed documents sitting on your desk at the end of the day).

**This client alert is for informational purposes and is not legal advice.*

What's Next?

While safeguarding data can feel daunting (especially for those without technical training or backgrounds), it is important to make data privacy a priority. Experts – both on the legal side (to understand the applicable requirements) and the technical front (to understand how to comply with those requirements) – are available to help you. The most important thing is getting started and following through, and there is no time like Data Privacy Week to take the first step.

We are happy to help you understand and implement the best practices above.

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