# Addressing Privacy and Security Concerns Relating to Employees Working from Home

# MICHAEL CENTRONE
## CPCU, CSP, CSRM, ARM

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- *Chartered Property Casualty Underwriter (CPCU), Certified Safety Professional (CSP), Certified School Risk Manager (CSRM), Associate in Risk Management (ARM).*

- *Over 25 years of insurance experience in Claims and Risk Management.*

- *Manage the value-added services provided to our school customers in GA, NC, SC, TX, TN, IL, NY (western) and PA (western).*

- *Organize/host risk management webinars, most recently Concussion Management and Managing the Aftermath of a Tragedy.*

- *Organize/host risk management seminars, most recently Threat Assessment and Bullying Prevention.*

- *Create Risk Management Alerts on trending and emerging issues, most recently Key Items for School Closure during COVID-19 and Outside Use of Facilities during COVID-19.*

- *Conduct in-person training presentations.*

- *Attend state and national school association conferences.*
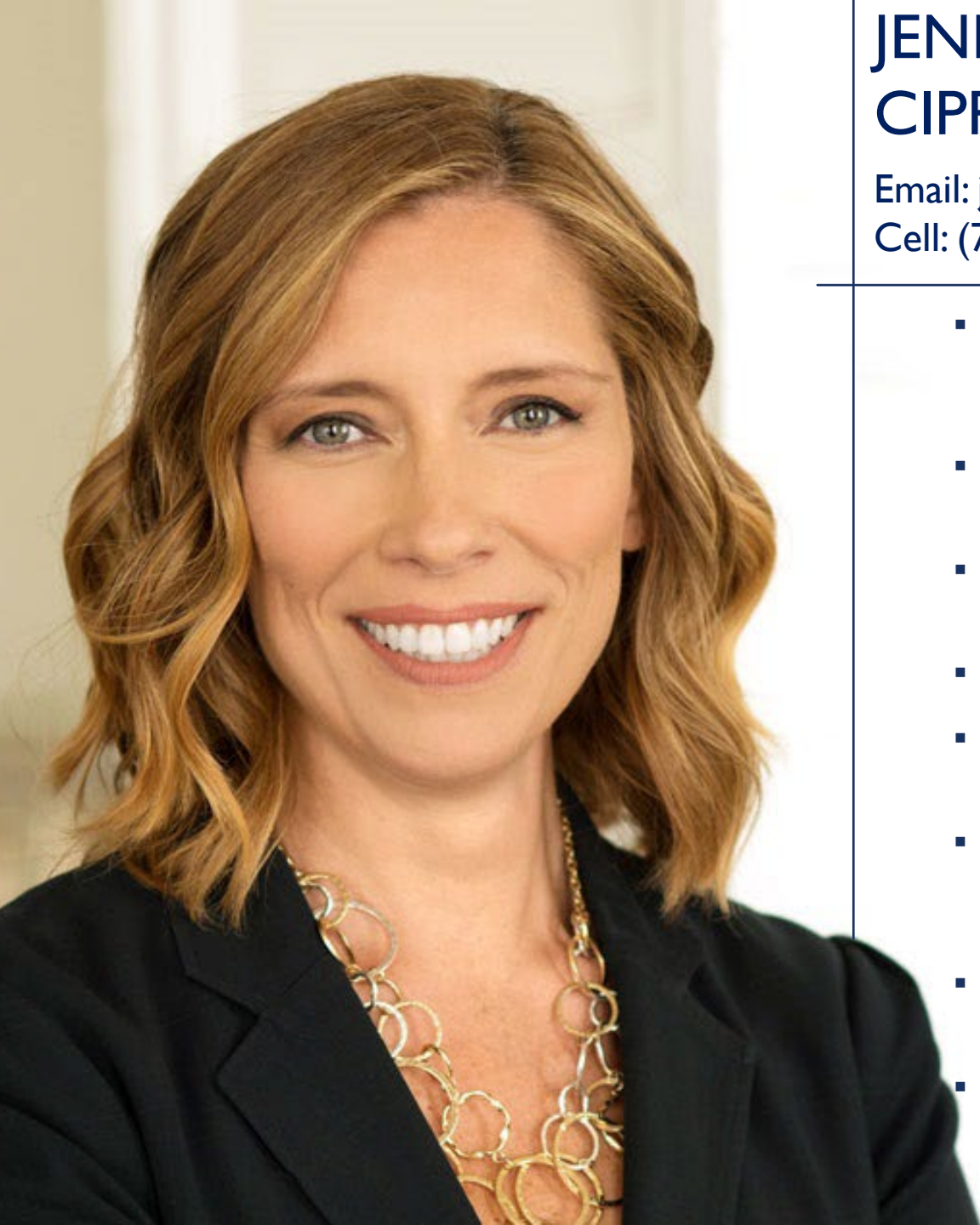
# JENNIFER A. BECKAGE, ESQ.
# CIPP/US, CIPP/E

Email: jbeckage@beckage.com
Cell: (716) 510-0306

- Certified Information Privacy Professional, United States (CIPP/US) and a Certified Information Privacy Professional, Europe (CIPP/E) as certified by the International Association of Privacy Professionals (IAPP).

- Recognized in 2018 and 2019 as one of the Top 30 data breach attorneys in the United States by Cybersecurity Docket.

- Upstate New York Super Lawyers® Super Lawyer 2019, only attorney recognized within Technology Transactions category.

- Developed multiple privacy and security programs.

- Leads a team of lawyers advising on privacy programs and litigation to help bridge gaps and foster dialogue on cost effective but high impact solutions.

- Responded to numerous data security incidents, cyberattacks, ransomware, malware by providing legal and risk mitigation advice while coordinating appropriate technical and other teams to respond and stand up operations again.

- Represented clients in federal and state data breach and privacy litigation, including defending clients in putative class actions.

- Former tech business owner; sold company to publicly-traded company and retained as VP Operations of technology products.
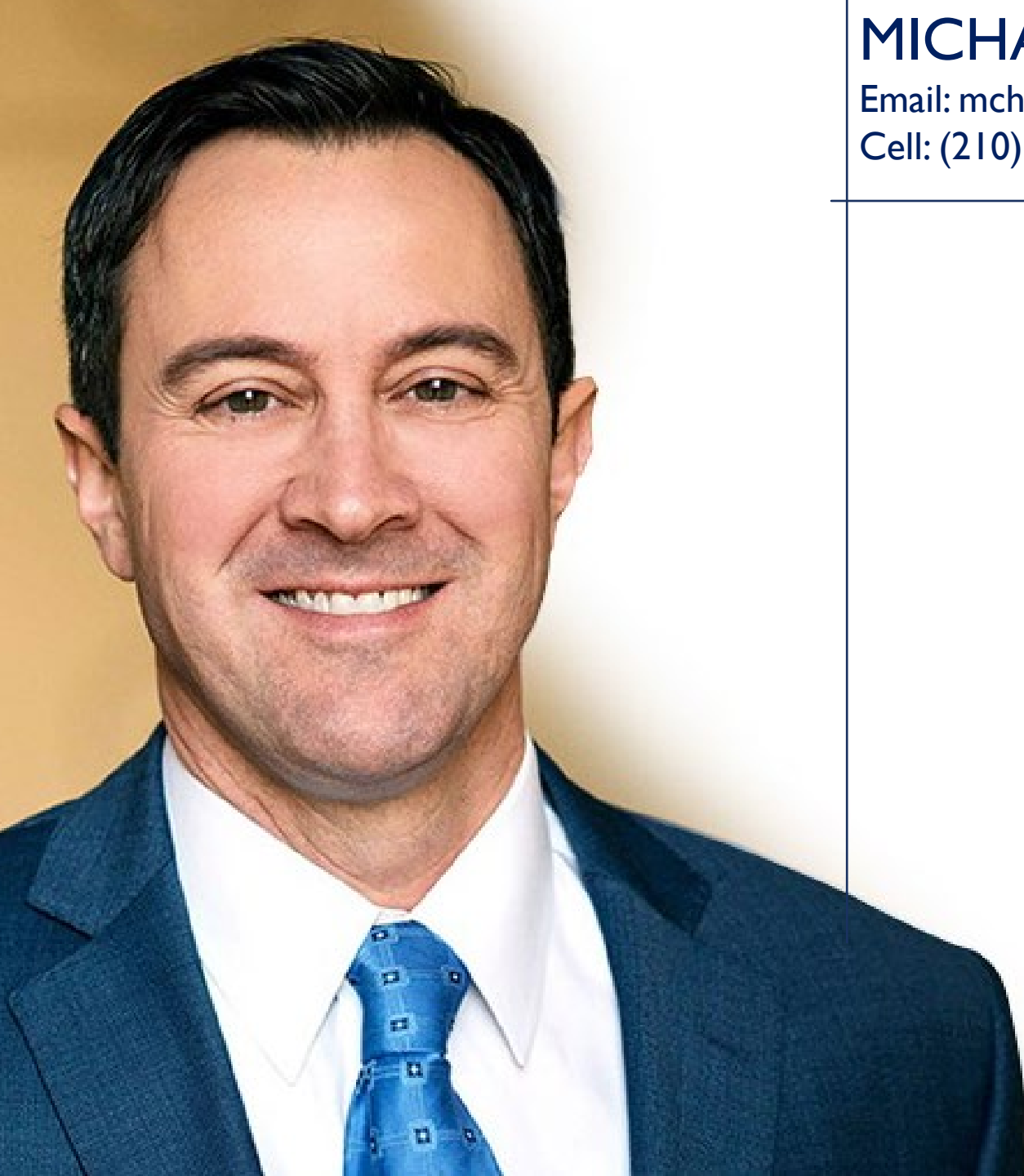
# MICHAEL CHIRICO, ESQ., CISA

Email: mchirico@beckage.com
Cell: (210) 637-8287

- *Certified Information Systems Auditor (CISA).*

- *Health Information Management Systems Society, New Jersey Chapter Board Member, President-Elect, currently chair of membership committee, previously co-chaired security, privacy and compliance committee.*

- *Developed, deployed, and trained employees on the organizational catalog of HIPAA-compliant policies and procedures and corresponding governance frameworks designed to safeguard patient and workforce data.*

- *Responsible for the creation and deployment of the enterprise information security and risk management awareness training programs for a workforce of 2,000 (employees and contractors).*

- *Completed over 500 information systems audits.*

- *Responsible for the development and support of the cybersecurity posture and strategy for New Jersey's largest medical center.*

- *Implemented the investigatory program for alleged impermissible access to health records.*

- *Coordinated and executed visits to USAID projects for Congressional delegates and USAID leadership.*

- *Coordinated regional quality improvement initiatives to reduce hospital admissions.*

# DANIEL P. GREENE, ESQ., CIPP/E

Email: dgreene@beckage.com
Cell: (716) 574-7674

- *Certified Information Privacy Professional, Europe (CIPP/E) as certified by the International Association of Privacy Professionals (IAPP).*

- *Seasoned trial attorney with significant data breach experience, including for clients in emerging and non-traditional markets.*

- *Experience in working with SaaS providers, e-commerce retailers, financial institutions and alternative health care facilities to respond to and mitigate incidents, evaluate and effectuate reporting obligations, and defend resulting regulatory investigations and audits, including New York State DFS.*

- *Represents clients across a spectrum of matters, including incident response matters, government investigations, internal audits, securities reviews, privacy, civil and white-collar criminal litigation.*

- *Recognized as Business First's 2017 "40 Under 40" Award.*

- *Counsels clients on governance best practices, crisis and incident response and communications, and compliance with U.S. and European data security and privacy laws.*

- *Interfaces with state and federal agencies routinely in response to investigations, enforcement notices, and compliance audits; and diligently represents clients in federal court litigation.*

- Law firm focused on technology and data security and privacy

- Beckage firm includes Certified Information Privacy Professionals by the International Association of Privacy Professionals (IAPP), IT professionals, former tech entrepreneurs, federal regulator, former Chief Information Security Officer (CISO), current Certified Information Systems Auditor (CISA), business owners and former public-company executive.

- Practice areas:
  - **Regulatory Compliance** – Policy drafting, contract review, training and tabletop exercises.
  - **Incident Response** – Help mitigate legal risk in breach response and identify and coordinate legal notifications and reporting obligations.
  - **Litigation** – Represent clients in federal and state technology, data breach and privacy litigations, and during audits and investigations.
  - **Risk Management** – Work with clients to evaluate IT network and enterprise from a legal and risk management perspective with Beckage's internal Certified Information Systems Auditor (CISA).

# AGENDA

Privacy & Security Working From Home

Key Considerations

Legal Landscape

COVID–19 & Privacy

Conclusion & Debriefing

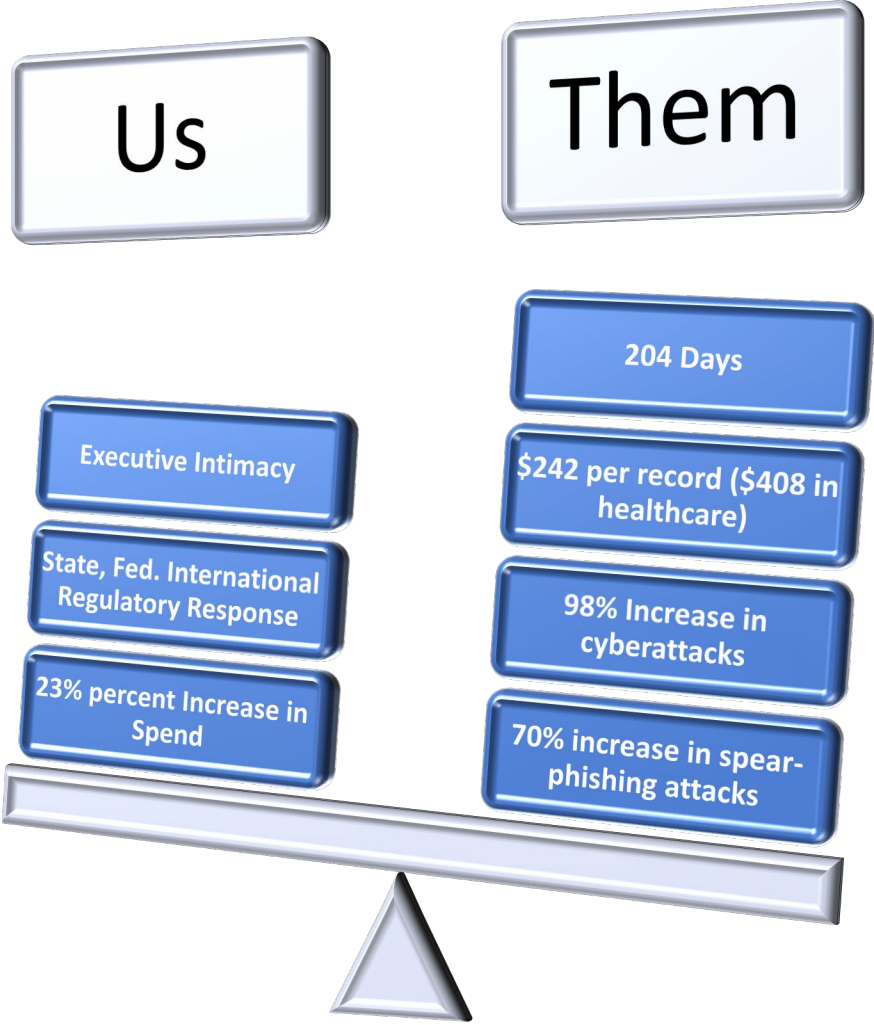# PRIVACY & SECURITY WHEN WORKING FROM HOME

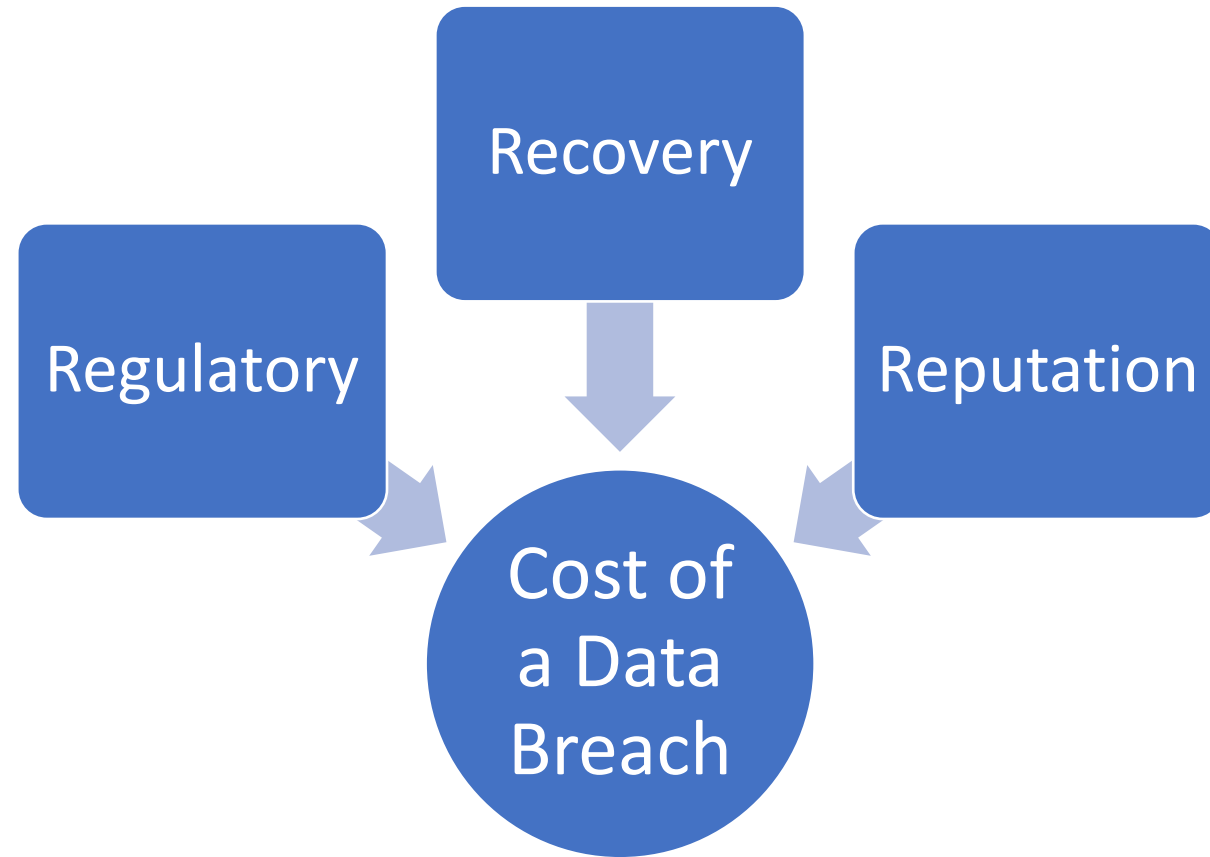# PRIVACY & SECURITY CONSIDERATIONS
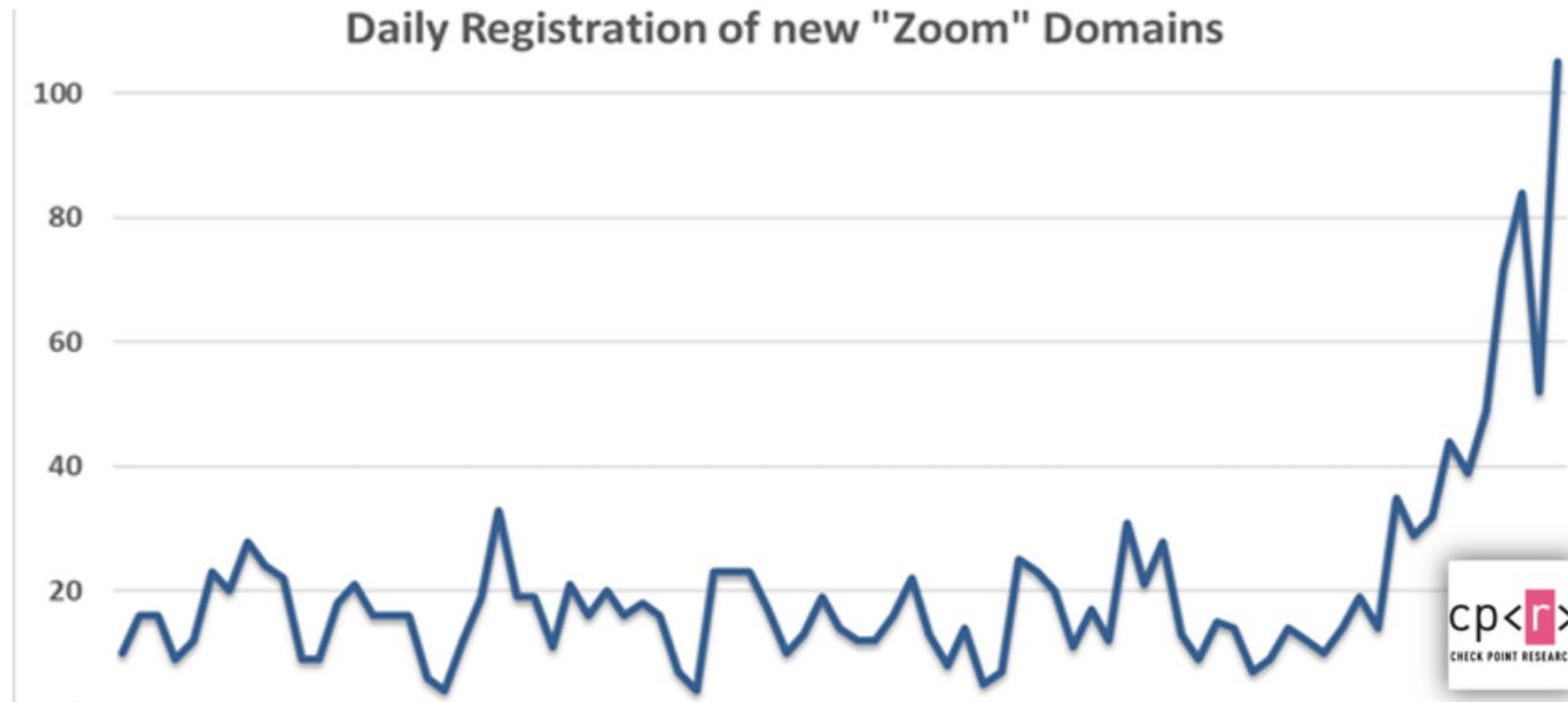
## PRIVACY AND SECURITY: WHERE ARE WE?

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of the
CLASS
45+ YEARS

# SIGN OF THE TIMES

Us

Them

2019 was neither the best of times nor the worst of …but instead, a sign of the times. times

204 Days

Executive Intimacy

$242 per record ($408 in healthcare)

State, Fed. International Regulatory Response

98% Increase in cyberattacks

23% percent Increase in Spend

70% increase in spear-phishing attacks

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# THREE R's

Recovery

Regulatory

Reputation

Cost of a Data Breach

# DOMAIN SPOOFING



Daily Registration of new "Zoom" Domains

Google Classroom, which URL, classroom.google.com, can be impersonated by googloclassroom\.com and googieclassroom\.com.

# DOMAIN SPOOFING

# INTERNATIONAL THREATS

# INTERNATIONAL THREATS

## Passphrases Crack Time

A passphrase is several random words combined together, like xkcd's famous correcthorsebatterystaple suggestion.

The below chart assumes the attacker knows what dictionary you used and the dictionary has around 8000 words.

| Number of Words | Time to Crack |
| --- | --- |
| 3 words | 3 seconds |
| 4 words | 7 hours |
| 5 words | 8 years |

source: reddit

## Passwords Crack Time

Alphanumeric means the password is made up of uppercase and lowercase letters, as well as numbers. Basically A-Z, a-z, 0-9.

| Password Length | Time to Crack | ... with special character |
| --- | --- | --- |
| 9 characters | 2 minutes | 2 hours |
| 10 characters | 2 hours | 1 week |
| 11 characters | 6 days | 2 years |
| 12 characters | 1 year | 2 centuries |

# KEY CONSIDERATIONS

# PRIVACY AND SECURITY CONSIDERATIONS

AN ATTACKER'S PERSPECTIVE

# INCREASING COMPLEXITIES

**415,000 Lines of Code**

**100,000,000 Lines of Code**
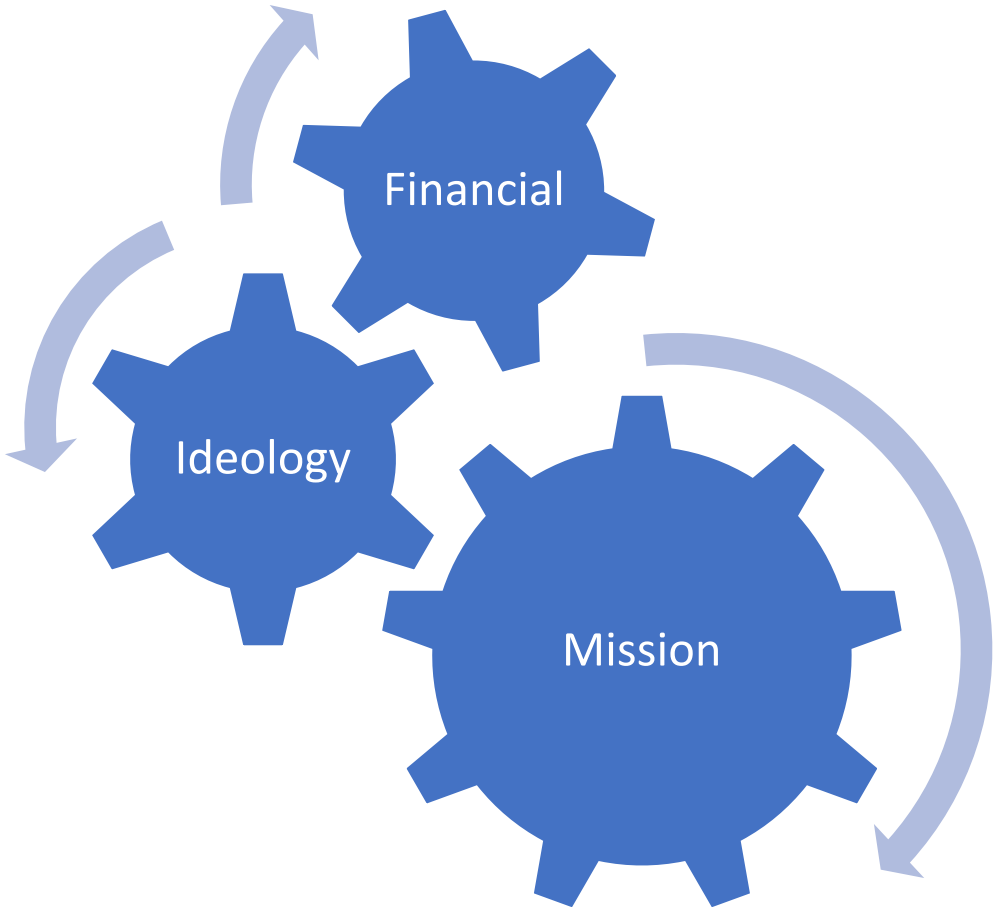
**Apollo Capsule ran on less memory than your iPhone.**

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# INCREASING COMPLEXITIES



**100,000,000,000 Lines of Code**

**100's of Systems, Vendors and Devices**

# ATTACKER MOTIVATIONS

# FRAMEWORKS

**Access Control**
**Audit Control**
**Integrity**
**Person/Entity Authentication**
**Transmission Security**

Facility Access Controls
Workstation Use
Workstation Security
Device & Media Controls

Security Management Process
Information Security Officer
"Workforce" Security
Information Access Management
Information Security Training
Security Incident Protocol
Contingency Plan, Evaluation and Training

**C**onfidentiality, **I**ntegrity, **A**vailability

Technical

Physical

Administrative
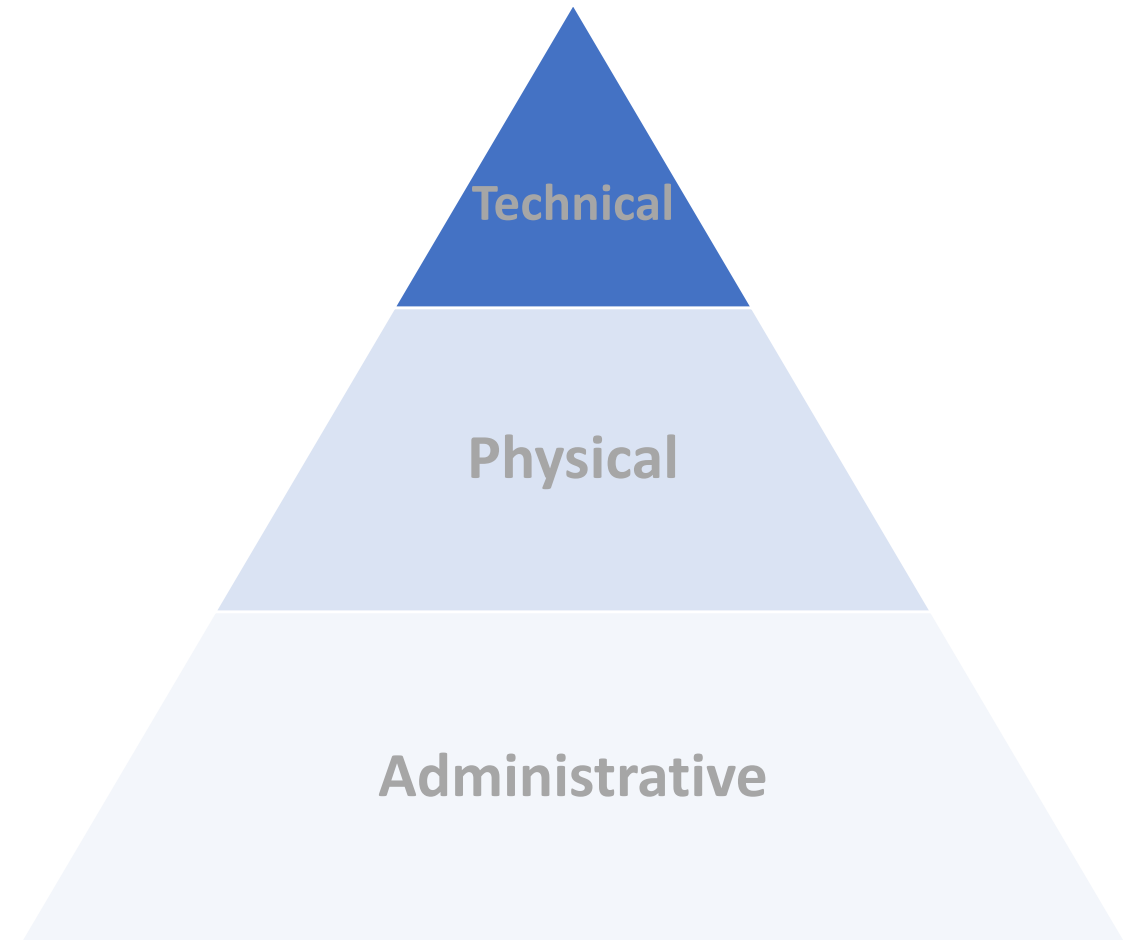
# POLICY ALIGNMENT

By following these policies internally, you set a
standard for remote employees to use them as well.

| **1** | **2** | **3** | **4** | **5** |
|---|---|---|---|---|
| Practice Good Password Hygiene | Use Technical Safeguards | Transmit Data Securely | Destroy Data Securely | Report Incidents |

# POLICY ALIGNMENT

- Safeguarding credentials

- Users have no expectation of privacy

- Email must never be used for personal use

- Clicking links or opening documents from unknown recipients is prohibited

- Personal webmail use

- Social Media acceptable use

- Home Environment Hardened

# ENCOURAGING BEST PRACTICES THROUGH POLICIES AND PROGRAMS

**MAKE CYBERSECURITY TRAINING INTEGRAL TO THE ON-BOARDING PROCESS**

**TAKE TIMELY DISCIPLINARY ACTIONS IN CASE OF BREACHES**

**DEVELOP AND ENFORCE AN ACCEPTABLE USE POLICY**

**TAILOR YOUR BYOD POLICY**

**ENCOURAGE RESPONSIBLE USE OF SOCIAL MEDIA**

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You don't need to be a cybersecurity expert, you can safeguard employee and company information by staying informed.

Liaise with IT and legal teams to continuously evaluate cybersecurity needs.

# POTENTIAL DAY-TO-DAY PRIVACY RISKS

Unsecured Transmissions

Unintentional Transmissions

Multi-tasking

Over-Collection of Data

# TIPS WHEN WORKING FROM HOME

Ensure your Wi-Fi connection is secure

Update your anti-virus software and security software

Watch out for scams targeting remote workers

Use a VPN

Set up two factor authentication

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# LEGAL LANDSCAPE

# Overview Current and Emerging Laws

- Data Privacy Laws

  - GDPR

  - CCPA & Other States

- Data Security Laws

  - New York SHIELD Act

- Industry-Specific Hybridized Privacy & Security Laws

  - New York Education 2-d law

# KEY POLICY CONSIDERATIONS

- New and emerging laws require policy updates with legal counsel:

  - Information Security Policy

  - BYOD (Bring Your Own Device) Policy

  - Record Retention & Data Retention Policy

  - Identity Access Management

  - Incident Response

  - Business Continuity

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# BEST PRACTICES FOR MANAGING RISK

## POLICIES AND PROCEDURES

- In addition to policy updates:

    - Perform an enterprise risk assessment.

    - Conduct vulnerability scans and penetration tests.

    - Perform a table-top exercise focused to issue spotting legal compliance.

    - Review your cyber insurance.

    - Legal review contractual obligations to confirm address regulatory requirements.

    - Train staff.

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# COVID-19 & PRIVACY

# COVID-19 & PRIVACY

- **Fitness for Duty**: Collection of PI in connection with fitness for duty/medical surveillance of employees.
  - EEOC Pandemic Flu Guidance.
  - BIPA/CCPA/OSHA may all be implicated.

- **Text Message/Information Campaigns**. Updates re: COVID-19 closures and impact. TCPA may still apply, though there are important exceptions.

- **Remote Work Force**: Licenses, knowing your technology, video conferencing and IT security policies.

- **Increase in Phishing and Malicious Attacks**: Phishing campaigns are targeting COVID-19 fears.

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# CONCLUSION & DEBRIEFING

# WE ARE LAWYERS, SO WE HAVE A LEGAL DISCLAIMER

- Thank you.

- The foregoing is for information and advertising purposes only. The information is not legal advice for any specific matter and does not create an attorney-client relationship. The recipient of this publication cannot rely on its contents.

- If legal advice is required for any specific matter, please consult with qualified legal counsel. We would be happy to assist you.

- For additional questions contact an attorney at Beckage PLLC or visit Beckage.com

- Check out the Beckage Blog at Beckage.com/blog and follow Beckage on LinkedIn for updates.

# UTICA NATIONAL INSURANCE GROUP

- COVID-19 Resources
  - uticanational.com

- Social Media
  - Utica National Insurance YouTube channel
  - Facebook, Twitter, LinkedIn, Instagram

- Coverage
  - Cyber Suite

- Customer Care Center
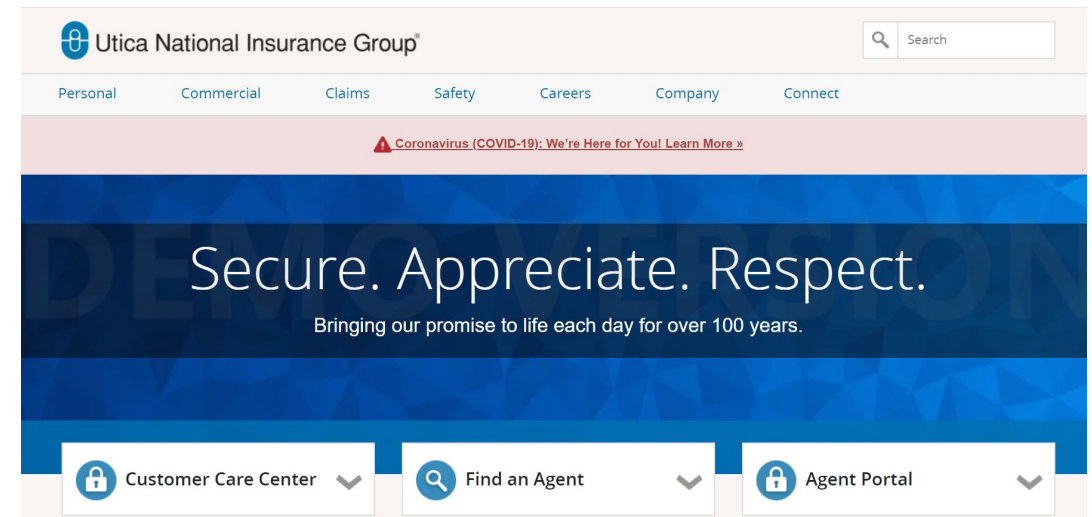
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# QUESTIONS

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