# Don’t Be a Sitting Duck for a Data Breach

## Basic Security Tips from the California Attorney General’s Office

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California Attorney General's Office

# AG's Privacy Unit

- Enforces Constitutional privacy right and civil privacy statutes
- Empowers consumers with information and strategies
- Encourages businesses to adopt privacy-respectful practices
- Advises the AG on privacy matters

# Data Breaches Today



# CA Breach Notification Law

- CA Civil Code 1798.82 and 1798.29
- Applies to
  - Any person or business doing business in CA; state and local gov't agencies

# CA Breach Notification Law

- Breach defined
  - Acquisition – or reasonable belief of acquisition – by an unauthorized person
- Information covered
  - Unencrypted, “computerized data”
  - Name + SSN, DL#, financial acct. #, medical info, health insurance info, or ALPR data
  - Online account credentials (user ID/email+PW or security Q&A)

# CA Breach Notification Law

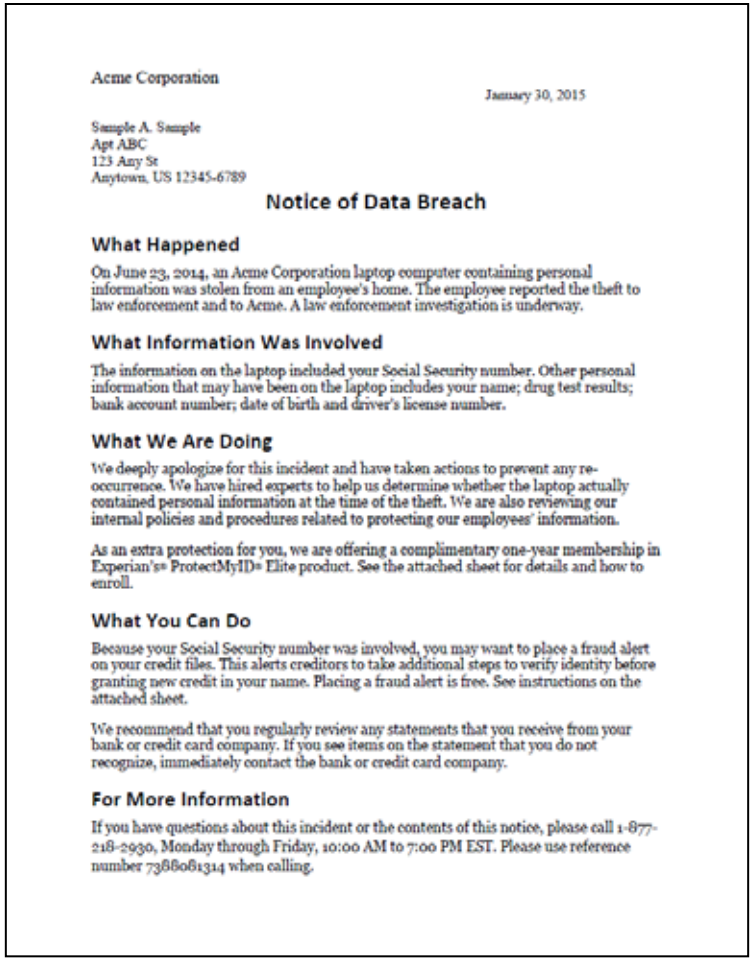
- Timing of notification
  - Most expedient time possible and w/out unreasonable delay
    - Delay allowed to “restore the reasonable integrity of the system” and to determine the scope
    - Delay allowed if law enforcement says would impede criminal investigation

# CA Breach Notification Law

- Method of notification
  1. Written
  2. Electronic – only per E-SIGN Act
  3. Substitute – only if >$250,000 or > 500,00 people or insufficient contact info
     - Web site, AND
     - Email, if known, AND
     - Statewide media
  4. Online – only for breaches of online account credentials

# Notice Format & Content

- Name & contact info of notifying entity
- Types of personal info involved
- Date of breach and general description (if known at time)
- In breach of SSN or DL#, contact info for CRAs and offer of ID theft preventionservice (1 yr.)



Acme Corporation

January 30, 2015

Sample A. Sample
Apt ABC
123 Any St
Anytown, US 12345-6789

**Notice of Data Breach**

**What Happened**

On June 23, 2014, an Acme Corporation laptop computer containing personal information was stolen from an employee's home. The employee reported the theft to law enforcement and to Acme. A law enforcement investigation is underway.

**What Information Was Involved**

The information on the laptop included your Social Security number. Other personal information that may have been on the laptop includes your name; drug test results; bank account number; date of birth and driver's license number.

**What We Are Doing**

We deeply apologize for this incident and have taken actions to prevent any re-occurrence. We have hired experts to help us determine whether the laptop actually contained personal information at the time of the theft. We are also reviewing our internal policies and procedures related to protecting our employees' information.

As an extra protection for you, we are offering a complimentary one-year membership in Experian's® ProtectMyID® Elite product. See the attached sheet for details and how to enroll.

**What You Can Do**

Because your Social Security number was involved, you may want to place a fraud alert on your credit files. This alerts creditors to take additional steps to verify identity before granting new credit in your name. Placing a fraud alert is free. See instructions on the attached sheet.

We recommend that you regularly review any statements that you receive from your bank or credit card company. If you see items on the statement that you do not recognize, immediately contact the bank or credit card company.

**For More Information**

If you have questions about this incident or the contents of this notice, please call 1-877-218-2930, Monday through Friday, 10:00 AM to 7:00 PM EST. Please use reference number 7386061314 when calling.

# CA Breach Law - Penalties

- Enforced through unfair competition law, Bus. & Prof. Code § 17200 and following.
- Penalties include injunctive relief, civil fines of up to $2,500 per violation

# CA Breaches Reported to AG

State *of* California Department *of* Justice
Office *of the* Attorney General

*Kamala D. Harris ~ Attorney General*

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Cybersafety › eCrime › Search Data Breaches

## SEARCH DATA SECURITY BREACHES

California law requires a business or state agency to notify any California resident whose unencrypted personal information, as defined, was acquired, or reasonably believed to have been acquired, by an unauthorized person. (You can read the law here: California Civil Code s. 1798.29(a) for state agencies and California Civ. Code s. 1798.82(a) for businesses).

The law also requires that a sample copy of a breach notice sent to more than 500 California residents must be provided to the California Attorney General. Below is a list of those sample breach notices. (Note that in some cases the organization that sent the notice is not the one that experienced the breach. For example, a bank may notify of a credit card number breach that occurred not at the bank, but at a merchant.)

You can search by the name of the organization that sent the notice, or simply scroll through the list. To read a notice, click on the name of the organization in the list. Then click on the link titled "Sample Notification."

Organization Name:
Date of Breach Range: From To
E.g., 2015-08-13 E.g., 2015-08-13

Search Clear

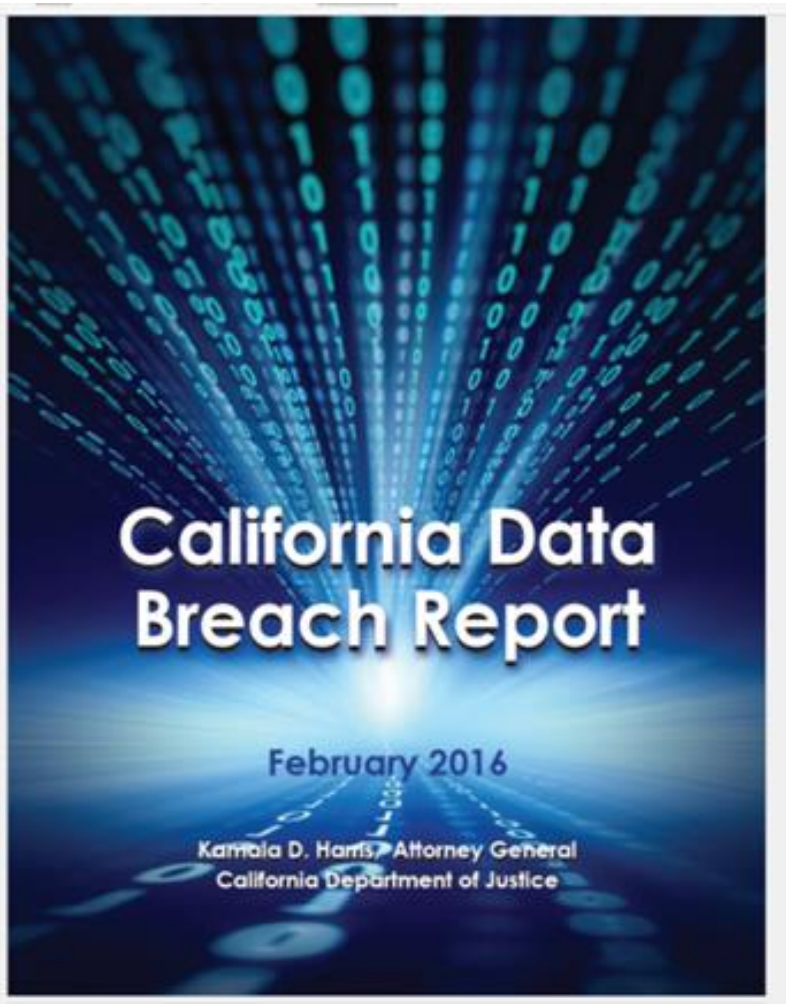
| Organization Name | Date(s) of Breach | Reported Date |
|---|---|---|
| Internet Corporation for Assigned Names and Numbers - ICANN | 07/31/2015 | 08/12/2015 |
| Nationstar Mortgage LLC | 07/27/2015 | 08/12/2015 |
| SterlingBackcheck | 05/29/2015 | 08/07/2015 |
| WP Technology Inc. d/b/a Wattpad | 05/29/2015 | 08/06/2015 |
| Mama Mio US, Inc. | 04/28/2015 | 08/04/2015 |
| orlantino dyoco, M.D. | 06/03/2015 | 08/03/2015 |
| North East Medical Services | 07/11/2015 | 07/31/2015 |
| Orange County Employees Association | 06/05/2015 | 07/31/2015 |
| East Bay Perinatal Medical Associates | 06/01/2015 | 07/29/2015 |
| Golden 1 Credit Union | 04/07/2015, 05/17/2015 | 07/27/2015 |
| American Express Travel Related Services Company, Inc and /or its Affiliates ("AXP") | 02/01/2015 | 07/27/2015 |

Data Security Breach ( SB24 )
- Data Security Breach Reporting
- Submit Data Security Breach
- Search Data Security Breaches

Related Information
- 2012 Data Breach Report, pdf
- 2014 Data Breach Report, pdf
- Breach Help: Tips For Consumers
- Cybersafety
- Data Breach Statistics, pdf
- eCrime
- Identity Theft
- Privacy

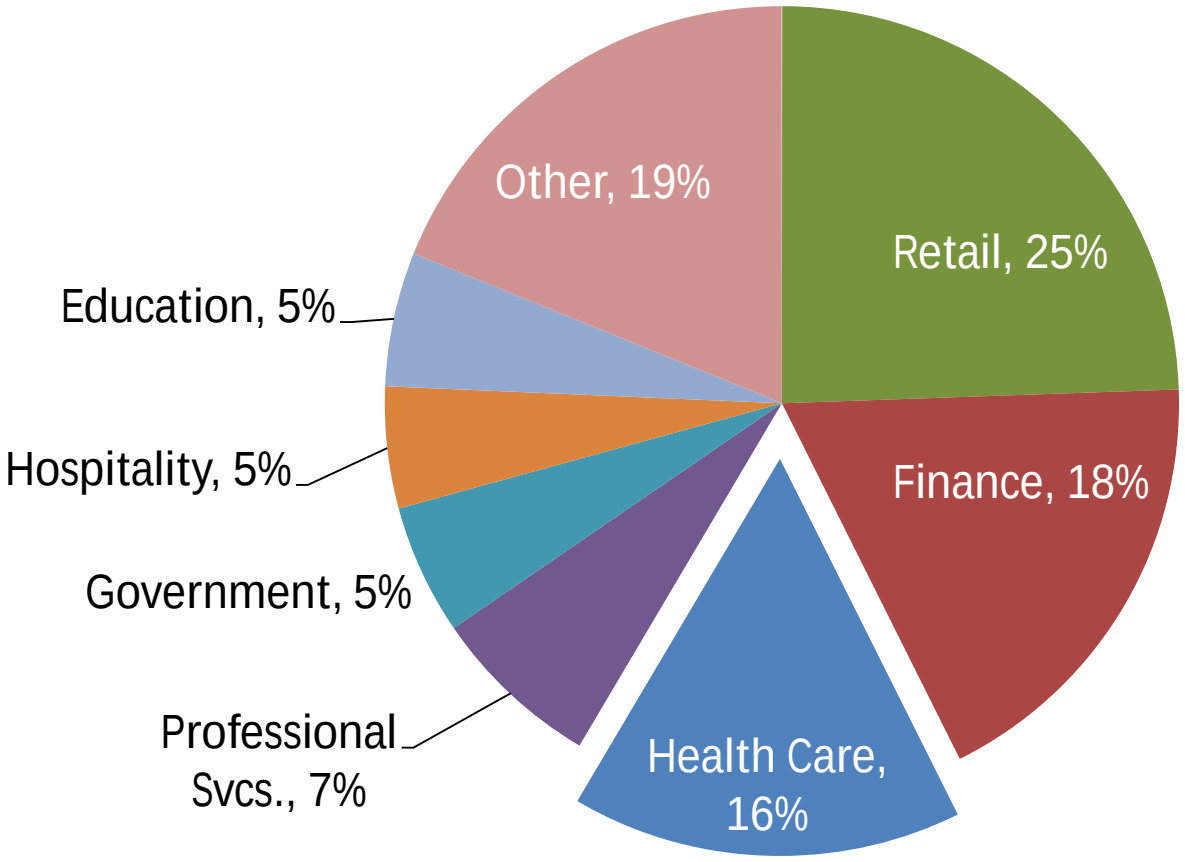
Breaches affecting > 500 Californians must be reported to AG.

# Data Breach Report



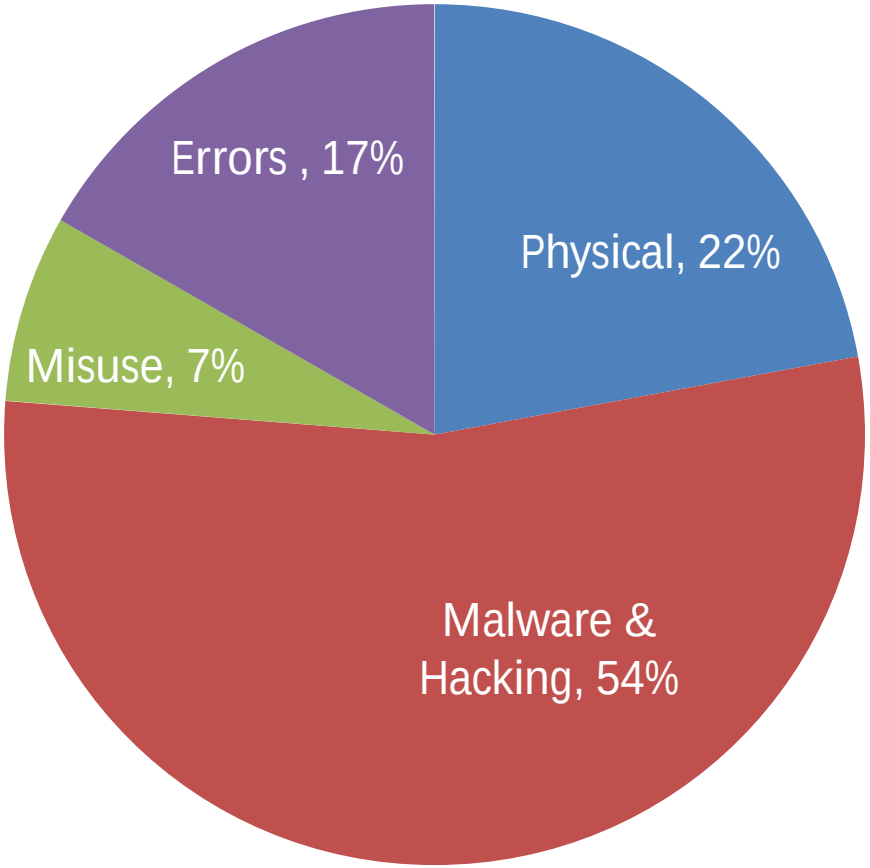

www.oag.ca.gov/privacy/privacy-reports

# CA Data Breaches by Industry 2012-2015




2012-2015
- 657 breaches
- >500 CA residents

# CA Data Breaches by Type 2012-2015




2012-2015
- 657 breaches
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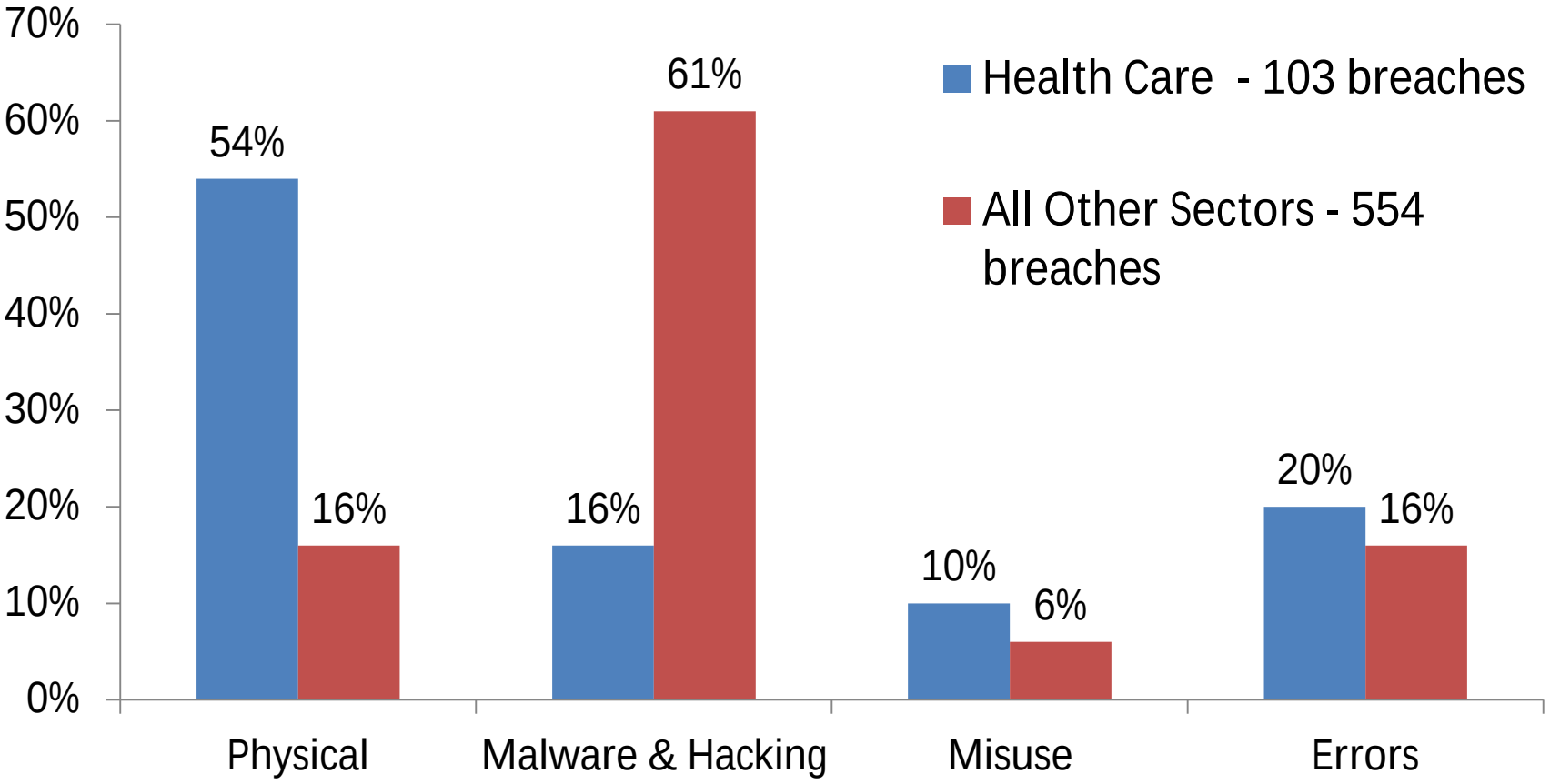
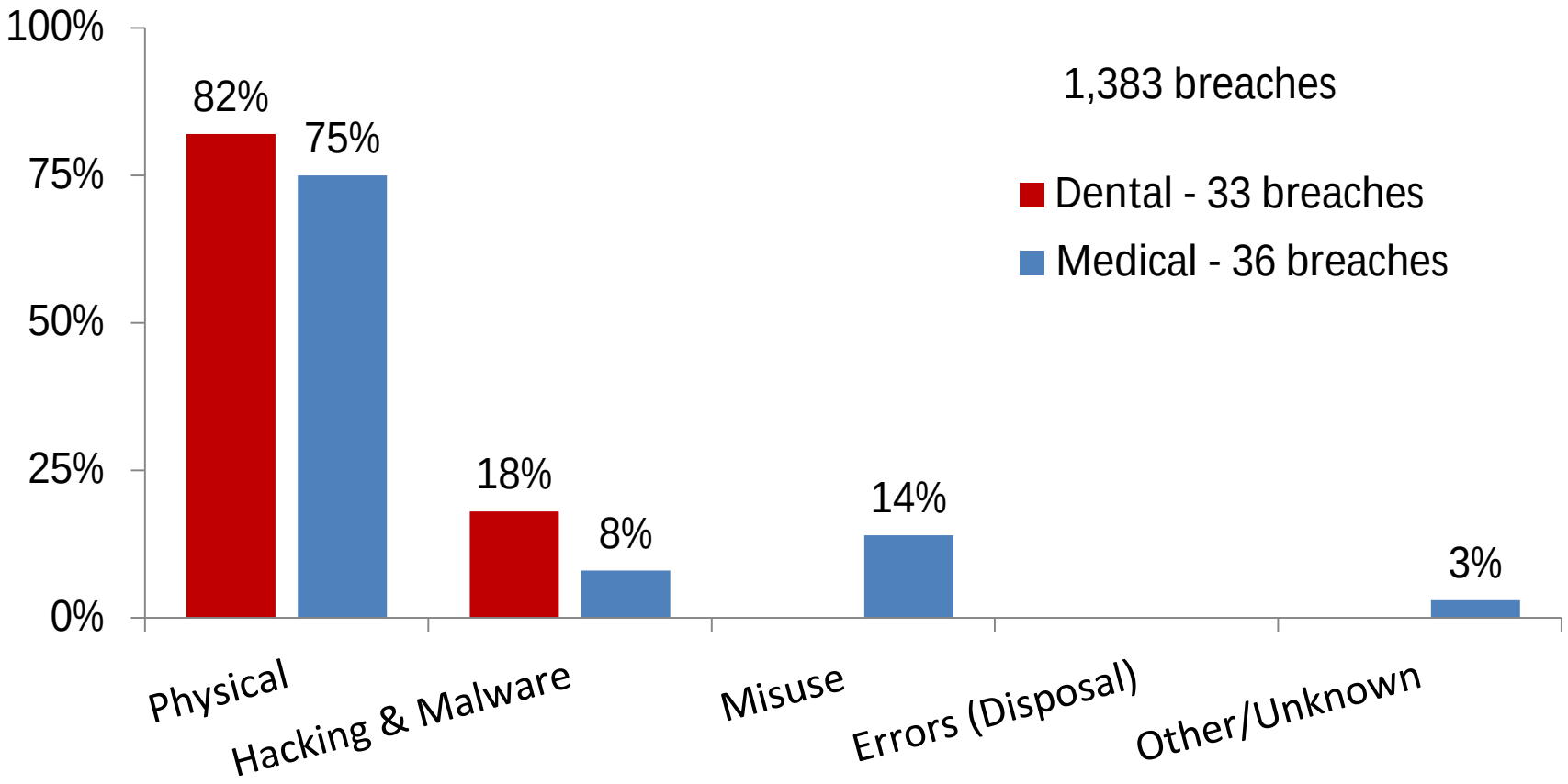
# CA Health Care Breaches 2012-2015

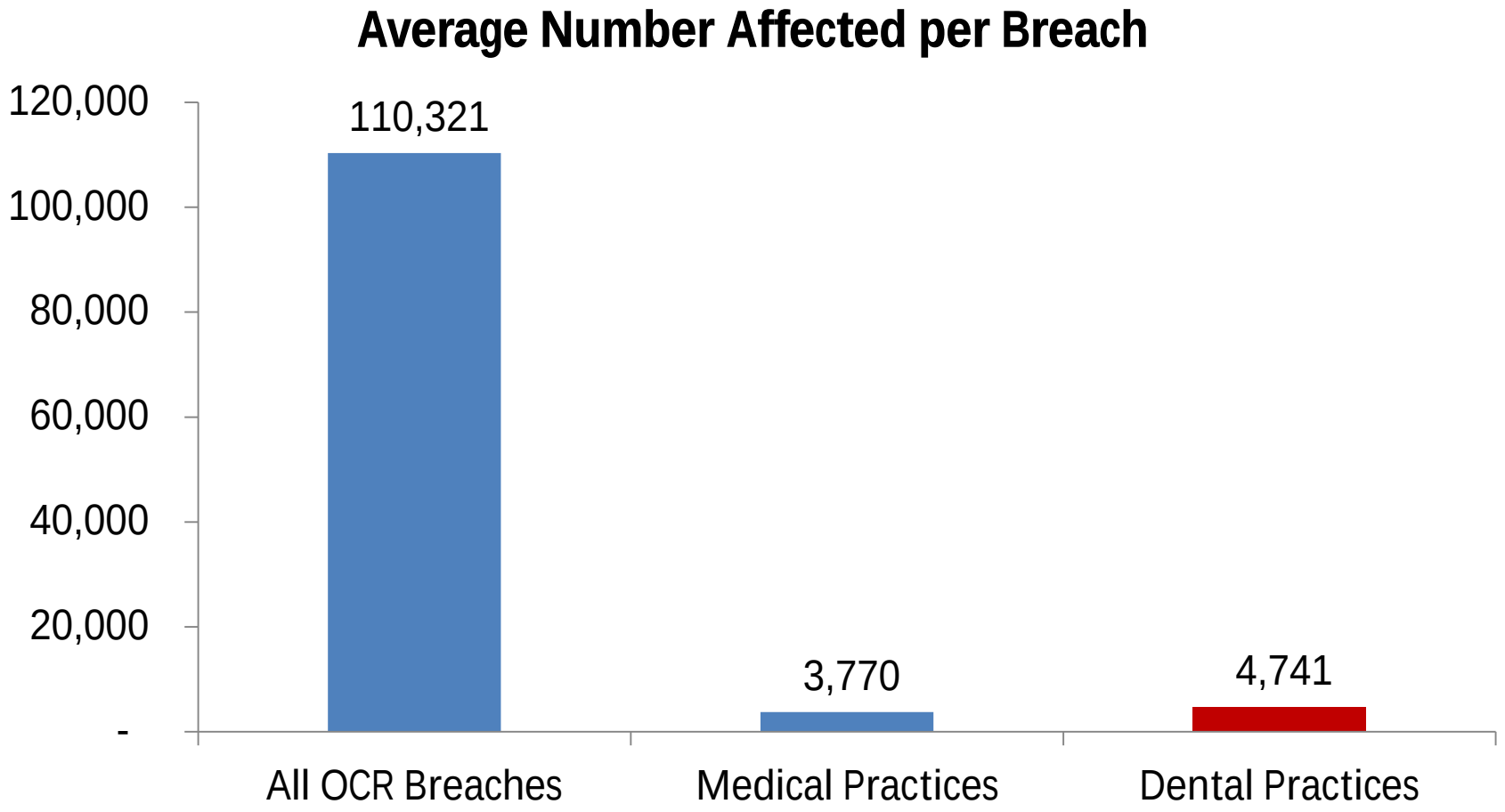


# Breaches in Medical & Dental Practices 2009-2/2016




HHS, Office for Civil Rights, https://ocrportal.hhs.gov/ocr/breach/breach_report.jsf

# Medical & Dental Practice Breaches – Number Affected



# Cost of a Dental Data Breach

- Average dental practice breach 4,741 records (per OCR data)
- Cost estimated at from $100,000 to over $1 million
  - Direct costs (mailing, forensics, mitigation product)
  - Indirect costs (in-house investigation and communication, client loss)

# Preventable Dental Breaches

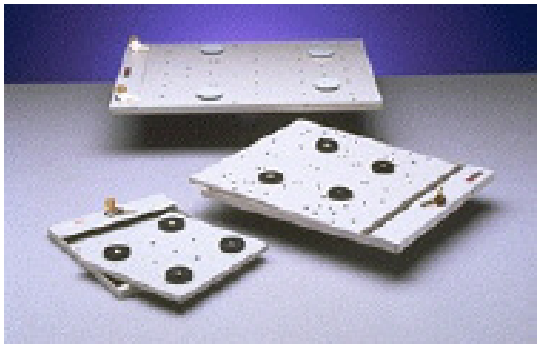
- USB drive with unencrypted patient data lost in mail
- Laptop with unencrypted patient data stolen from car/home/office
- Desktop computer with unencrypted patient data stolen from office

# Filling the Cavities in Your Practice

**Lock**

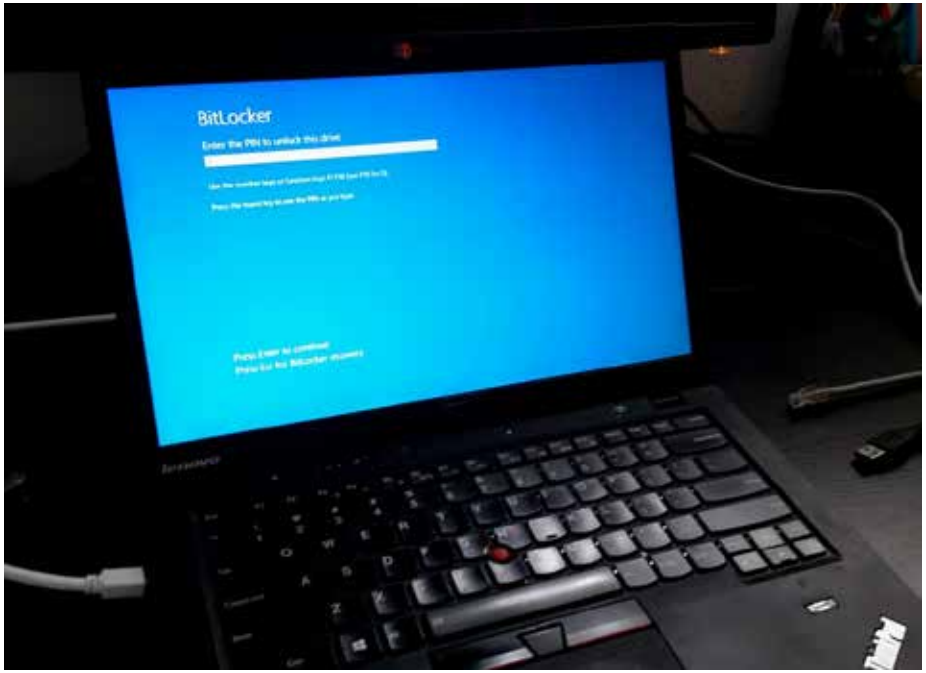
**Encrypt**

# In the Office



Lock it down…or lock it up.

# On Your Desk


Encrypt it before it leaves your desk.

# On the Move

Shop for encrypted usb drive on Google

Sponsored


Kingston DataTraveler...
$26.99
CDW

Sandisk - Connect 32gb...
$59.99
Best Buy

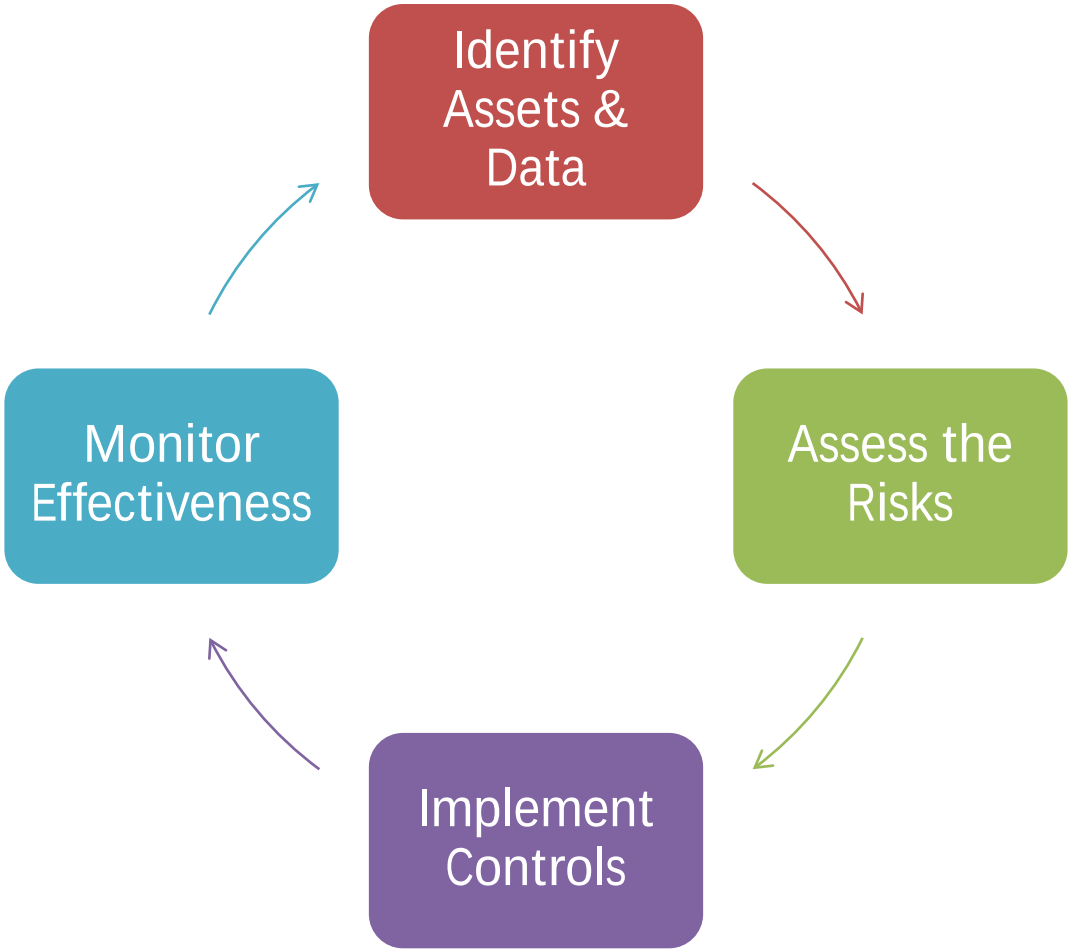
IronKey Enterprise D2...
$109.99
CDW

Aegis Secure Key 3.0 240G...
$369.00
Apricorn

CORSAIR Padlock 2 16...
$35.99
Newegg B...

Encrypt before it leaves the office.

# Reasonable Security – It's a Process.



# CIS Critical Security Controls: A Good Start

- Center for Internet Security (CIS) – non-profit that promotes cybersecurity readiness and response
- 20 high-payoff controls to detect, prevent, respond to, and mitigate damage from cyber events
- Originally developed by public-private partnership in 2008, updated periodically

# CIS Critical Security Controls: Cyber Hygiene

- Count
- Configure
- Control
- Patch
- Repeat

National Campaign for Cyber Hygiene

Count, Configure, Control, Patch, Repeat

www.cisecurity.org/cyber-pledge/

# CIS Critical Security Controls: COUNT

- Count
  - Know what you have: hardware, software

# CIS Critical Security Controls: CONFIGURE

- Configure
  - Set it up for security

# CIS Critical Security Controls: CONTROL

- Control
  - Limit and manage accounts and privileges

# CIS Critical Security Controls: PATCH

- Patch
  - Regularly update apps, software, OS, browsers

# CIS Critical Security Controls: REPEAT

- Repeat
  - Keep counting, configuring, controlling, and patching

# Have a Breach Response Plan

- Put someone in charge of the response.
- Tell all staff whom to contact in case of possible data breach – such as lost or stolen computer.
- Know what types of data require notification.
- Know whom to contact in law enforcement, if appropriate.
- Know about ID theft services/mitigation products to offer victims.

# AG Resources on Data Breach

- Submit breach to AG
  - www.oag.ca.gov/ecrime/databreach/report-a-breach
- *Recommended Practices on Breach Notification* (2012) and Call Center FAQs
  - www.oag.ca.gov/privacy/business-privacy
- *Breach Help: Tips for Consumers* and *Child Security Breach First Steps*
  - www.oag.ca.gov/privacy/business-privacy
- Identity Theft Service Provider Ratings from CFA
  - www.idtheftinfo.org/documents/IDTheftInfo.Measuring.Up.pdf
- California Data Breach Reports
  - www.oag.ca.gov/privacy/privacy-reports

# A Little More Technical

- Security Risk Assessment Tool from ONC
  - www.healthit.gov/providers-professionals/security-risk-assessment-tool
- Seven-Step Approach to Security Management from ONC
  - www.healthit.gov/sites/default/files/pdf/privacy/privacy-and-security-guide.pdf
- CIS Critical Security Controls
  - www.cissecurity.org
- Choosing Secure Passwords (Bruce Schneier)
  - www.schneier.com/blog/archives/2014/03/choosing_secure_1.html

www.privacy.ca.gov