

Date

A DISCUSSION OF THE OVERLAPPING RESPONSIBILITIES BETWEEN COMPANIES' PRIVACY AND SECURITY FUNCTIONS

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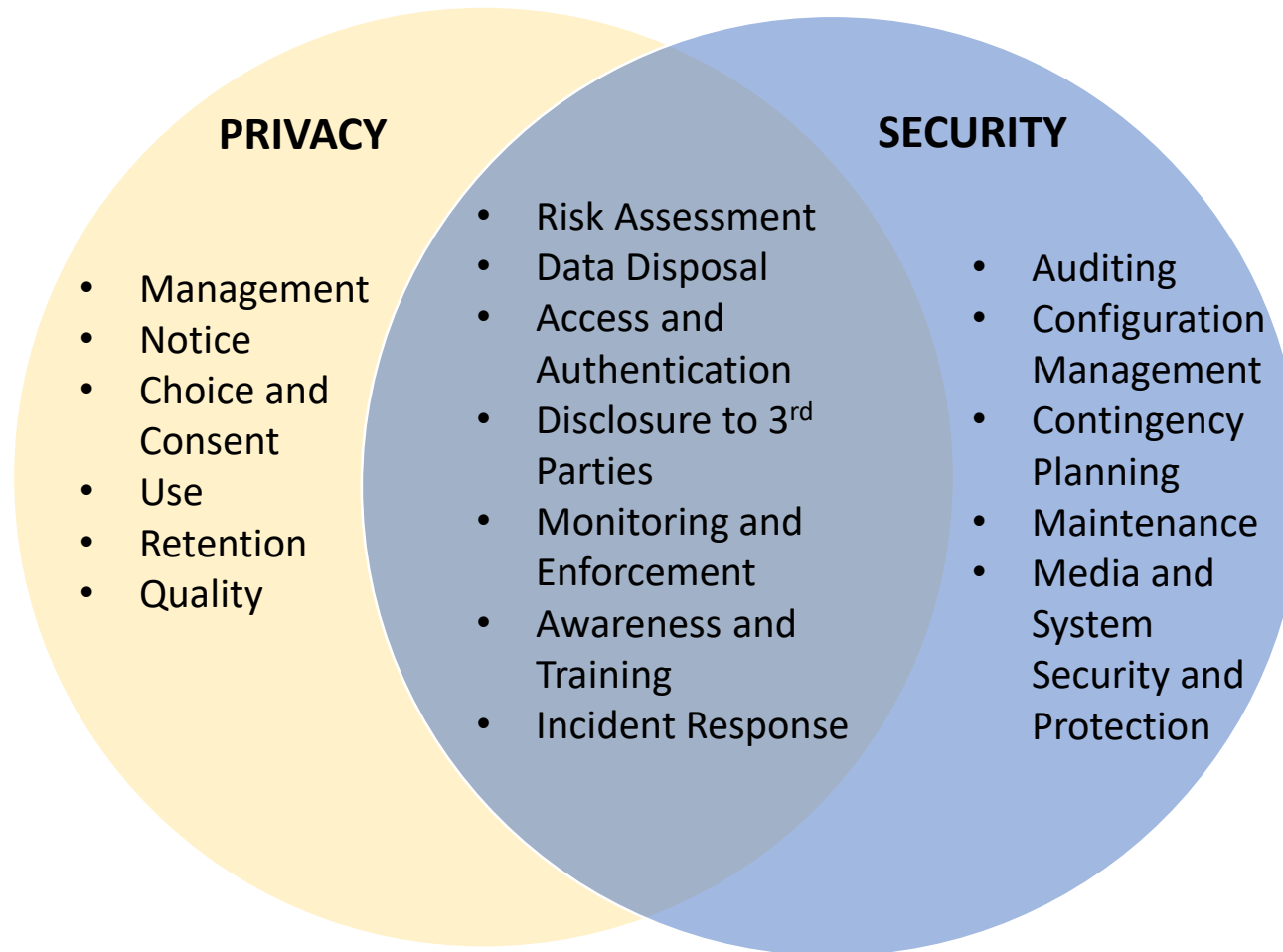
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The Intersection of Privacy and Security



The Regulatory Landscape

Sample Privacy Laws	Security Requirements
GDPR	“Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk... ” (Article 32)
CCPA	Private right of action for consumers who are “subject to unauthorized access and exfiltration, theft, or disclosure as a result of the business’s violation of the duty to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information. . . .” (Ca. Civ. Code §1798.150(a))
US STATE LAWS (VA example)	Companies shall “[e]stablish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. Such data security practices shall be appropriate to the volume and nature of the personal data at issue. ” (S.B. 1392 § 59.1-574(A)(3))
HIPAA	See HIPAA Security Rule at 45 CFR Part 160 and Subparts A and C of Part 164.
GLBA	Requires compliance with FTC Safeguards Rule , which sets forth standards for financial services companies “for developing, implementing, and maintaining reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information. ” (15 U.S.C. 6801(b), 6805(b)(2))
INTERNATIONAL LAWS (examples)	<p>Brazil – LGPD – requires companies to implement security, technical, and administrative measures to protect personal data from unauthorized access</p> <p>Canada – PIPEDA – requires companies to protect data against loss, theft, or any unauthorized access, disclosure, copying, use or modification</p> <p>China – PIPL – enacted in conjunction with broad cybersecurity law</p> <p>Japan – APPI – requires companies to take steps to secure personal information</p>

Questions & Contacts



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