

## Security Resources

### General Interest

Running total of reported personal information records compromised in the United States since 2002 through security breaches:

<http://www.privacyrights.org/ar/ChronDataBreaches.htm#2008>

Perkins Coie's Digestible Law Blog for Data Security RSS Feed:

<http://www.digestiblelaw.com/datasecurity/BlogQ.aspx?id=34>

SANS Institute online newsletter and training programs:

[www.sans.org](http://www.sans.org)

### General Security Information

- "Security & Privacy – Made Simpler," from the Better Business Bureau  
<http://alaskaoregonwesternwashington.bbb.org/WWWRoot/storage/16/documents/SecurityPrivacyMadeSimpler.pdf>
- "Protecting Personal Information: A Guide for Business," from the Federal Trade Commission  
[www.ftc.gov/bcp/edu/pubs/business/privacy/bus69.pdf](http://www.ftc.gov/bcp/edu/pubs/business/privacy/bus69.pdf)
- "Information Security Handbook: A Guide for Managers," from the National Institute of Standards and Technology  
<http://csrc.nist.gov/publications/nistpubs/800-100/SP800-100-Mar07-2007.pdf>
- "Prevent Identity Theft with Responsible Information-Handling Practices in the Workplace," from the Privacy Rights Clearinghouse  
[www.privacyrights.org/ar/PreventITWorkplace.htm](http://www.privacyrights.org/ar/PreventITWorkplace.htm)
- The California Office of Privacy Protection has developed a series of Recommended Practices. Several of the guides may be helpful in protecting your business whether or not you are located in California.
  - "Recommended Practices on California Information-Sharing Disclosures and Privacy Policy Statements"  
[http://www.oispp.ca.gov/consumer\\_privacy/pdf/infosharingdisclos.pdf](http://www.oispp.ca.gov/consumer_privacy/pdf/infosharingdisclos.pdf)
  - "A California Business Privacy Handbook"  
[http://www.oispp.ca.gov/consumer\\_privacy/pdf/ca\\_business\\_privacy\\_hb.pdf](http://www.oispp.ca.gov/consumer_privacy/pdf/ca_business_privacy_hb.pdf)
  - "Recommended Practices for Protecting the Confidentiality of Social Security numbers"  
[http://www.oispp.ca.gov/consumer\\_privacy/pdf/ssnrecommendations.pdf](http://www.oispp.ca.gov/consumer_privacy/pdf/ssnrecommendations.pdf)

### State Notification Laws

Perkins Coie State Breach Notification Laws

<http://www.perkinscoie.com/files/upload/securitybreach.pdf>

## Enforcement Actions

- *Eli Lilly*– unintentional disclosure of PII (Prozac email list). FTC final decision and order available at [www.ftc.gov/os/2002/05/eliillydo.htm](http://www.ftc.gov/os/2002/05/eliillydo.htm). The complaint is available at [www.ftc.gov/os/2002/05/eliillycmp.htm](http://www.ftc.gov/os/2002/05/eliillycmp.htm).
- *Victoria's Secret* – known uncorrected security defect allowed access to PII through Web site. Press release regarding settlement with New York Attorney General: [http://www.oag.state.ny.us/press/2003/oct/oct21b\\_03.html](http://www.oag.state.ny.us/press/2003/oct/oct21b_03.html).
- *Microsoft Passport* – known security defects in Passport/wallet, but no breach actually occurred. FTC final decision and order available at <http://www.ftc.gov/os/2002/12/microsoftdecision.pdf>. The complaint is available at <http://www.ftc.gov/os/2002/12/microsoftcomplaint.pdf>.
- *In re Guess?, Inc. & Guess.com, Inc.* – known Web site vulnerabilities uncorrected. FTC final decision and order available at <http://www.ftc.gov/os/2003/06/guessagree.htm>. The complaint is available at <http://www.ftc.gov/os/2003/06/guesscmp.htm>.
- *In re BJ's Wholesale Club, Inc.* – warehouse chain failed to protect security in various ways, allowing millions of dollars in fraudulent charges on customers' accounts. Documents available at <http://www.ftc.gov/os/caselist/0423160/0423160.htm>.
- *Choicepoint* – massive disclosure of background records. FTC complaint available at <http://www.ftc.gov/os/caselist/choicepoint/0523069complaint.pdf>. Press release regarding settlement involving \$10 million in civil penalties and \$5 million in consumer redress available at <http://www.ftc.gov/opa/2006/01/choicepoint.shtm>.
- *Cardsystems* – Tens of millions of consumer credit and debit card numbers compromised. Documents available at <http://www.ftc.gov/os/caselist/0523148/0523148.shtm>.

## Litigation

To date, class action litigation based on negligence and contract theories has uniformly failed. Most cases are dismissed based on a failure to allege or prove damages, and credit monitoring expenses and similar costs have been held not to be cognizable losses.

- *Pisciotta v. Old Nat'l Bancorp*, 499 F.3d 629 (7th Cir. 2007).
- *Randolph v. ING Life Ins. & Annuity Co.*, 486 F. Supp. 2d 1 (D.D.C. 2007).
- *Kahle v. Litton Loan Servicing, LP*, 486 F. Supp. 2d 705 (S.D. Ohio 2007).
- *Bell v. Acxiom Corp.*, 2006 WL 2850042 (E.D. Ark. Oct. 3, 2006) (unpublished).
- *Guin v. Brazos Higher Educ. Serv. Corp., Inc.*, 2006 WL 288483 (D. Minn. Feb. 7, 2006).
- *Key v. DSW, Inc.*, 454 F. Supp. 2d 684, 690 (S.D. Ohio 2006).
- *Giordano v. Wachovia Sec., LLC.*, 2006 WL 2177036 (D.N.J. July 31, 2006) (unpublished).
- *Stollenwerk v. Tri-West Healthcare Alliance*, 2005 WL 2465906 (D. Ariz. Sept. 6, 2005), *aff'd in part, rev'd in part and remanded by* 2007 WL 4116068 (9th Cir. Nov. 20, 2007).

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