

Index

ACCESS

- Computer Fraud and Abuse Act (CFAA), this index
- Methods and tools for gaining system access. Electronic Security Risks and Need for Privacy, this index

ACTIONS AND PROCEEDINGS

- Health care privacy, Health Insurance Portability and Accountability Act of 1996 (HIPAA), state law claims based on HIPAA violations, **12:73**
- Telephone Consumer Protection Act (TCPA), **9:79**

ADWARE

- Security litigation, **8:54**

AGGRAVATED VIOLATIONS

- CAN-SPAM Act (Controlling the Assault of Non-solicited Pornography and Marketing Act of 2003), **9:61**

AGGREGATING

- Privacy issues, **1:58**

AIRCRAFT

- Networks (NISs), security and privacy, **2:23**

ALABAMA

- Computer security statutes, **6:66**

ALASKA

- Computer security statutes, **6:66**

ALBANIA

- Personal data protection law, **14:3**

ANGOLA

- Personal data protection law, **14:3**

ANGUILLA

- Personal data protection law, **14:3**

ANOMALY DETECTION SYSTEMS

- Technical security measures, **3:39**

ANONYMOUS PERSONS

- Civil litigation, security, **8:3**
- Privacy litigation procedures, **9:181**
- Securities litigation, personal jurisdiction, **8:3**

ARGENTINA

- Personal data protection law, **14:3**

ARIZONA

- Computer security statutes, **6:66**

ARKANSAS

- Computer security statutes, **6:66**

ARMENIA

- Personal data protection law, **14:3**

ARTIFICIAL INTELLIGENCE

- Emerging issues
- Corporate risk management, **5:85**

ASSESSMENT OF RISKS

- Corporate Risk Management, this index

ASYMMETRIC ALGORITHMS

- Encryption, this index

AUDITS

- Corporate Risk Management, this index

AUSTRALIA

- Personal data protection law, **14:3**

AUSTRIA

- Personal data protection law, **14:3**

AUTOMATED E-MAIL INTERCEPTION SYSTEMS

- Electronic Security Risks and Need for Privacy, this index

**AUTOMATED TELLER
MACHINES (ATMS)**

Access, methods and tools for gaining system access, **1:30**

BAHAMAS

Personal data protection law, **14:3**

**BANKING, FINANCIAL AND
INSURANCE INDUSTRIES**

Generally, **13:1-13:53**

Breach notification laws, federal legislation, **13:53**

Children's Online Privacy Protection Act (COPPA), applicability to financial institutions, **13:49**

Common law approaches to financial privacy, **13:46**

Cybersecurity trends, **13:52**

Data protection litigation trends, **13:52**

Electronic Communications Privacy Act (ECPA), **13:50**

Electronic Funds Transfer Act (EFTA), initial disclosures, **13:47**

Fair Credit Reporting Act (FCRA)

Generally, **13:23 et seq.**

Accuracy, **13:33**

Adverse action

Nature of adverse action, **13:36**

Third-party information, adverse action based on, **13:37**

Affiliate sharing, **13:39**

Business credit transactions, **13:26**

Civil liability for willful noncompliance, **13:42**

Consumer reporting agency, **13:27**

Consumers, disclosures to, **13:34**

Disputes, resolution of credit reporting disputes, **13:35**

Fair and Accurate Credit Transactions Act of 2003, **13:38**

Identity theft prevention, **13:41**

Investigative consumer reports, **13:25, 13:30**

Litigation, privacy. Fair Credit Reporting Act (FCRA), this index

Medical information, **13:31**

**BANKING, FINANCIAL AND
INSURANCE INDUSTRIES**

—Cont'd

Fair Credit Reporting Act (FCRA)

—Cont'd

Obsolete information, **13:29**

Prescreening, **13:28**

Privacy litigation. Fair Credit Reporting Act (FCRA), this index

Purposes, assuring that consumer reports that are provided for permissible purposes, **13:32**

Resolution of credit reporting disputes, **13:35**

Risk based pricing, **13:40**

Scope, **13:24**

Federal legislation, future of breach notification laws, **13:53**

Future of breach notification laws, federal legislation, **13:53**

Future of data security legislation, **13:54**

Gramm-Leach-Bliley Act (GLBA)

Generally, **13:2**

Account numbers, disclosure, **13:21**

Affiliated financial institutions, **13:8**

Affiliates, **13:5**

Consent of consumer, exceptions to notice and opt-out, **13:17**

Consumers, **13:6**

Customers, **13:7**

Enforcement, **13:22**

Exceptions to notice and opt-out

Generally, **13:13, 13:19**

Consent of consumer, **13:17**

Joint agreements, **13:15**

Necessary to effect, administer or enforce transaction, **13:16**

Reuse and redisclosure, **13:20**

Service processors, **13:14**

Special relationships, **13:18**

Financial institutions, **13:3**

Joint agreements, exceptions to notice and opt-out, **13:15**

INDEX

BANKING, FINANCIAL AND INSURANCE INDUSTRIES

—Cont'd

Gramm-Leach-Bliley Act (GLBA)

—Cont'd

Necessary to effect, administer or
enforce transaction, excep-
tions to notice and opt-out,
13:16

Nonpublic personal information,
13:4

Privacy policy notice

Annual privacy policy notice,
13:12

Contents, **13:9**

Delivery method, **13:10**

Initial privacy policy notice,
timing, **13:11**

Timing of initial privacy policy
notice, **13:11**

Reuse and redisclosure, exceptions
to notice and opt-out, **13:20**

Service processors, exceptions to
notice and opt-out, **13:14**

Special relationships, exceptions to
notice and opt-out, **13:18**

Health Insurance Portability and
Accountability Act of 1996
(HIPAA), application to
financial institutions, **13:48**

Interagency Guidelines Establishing
Standards for Safeguarding
Customer Information, **13:51**

Regulatory guidelines, **13:51**

State laws, financial privacy

Generally, **13:43**

Common law approaches to
financial privacy, **13:46**

Constitutional guarantees of
privacy, **13:44**

Statutory approaches to financial
privacy, **13:45**

State legislation, future of data secu-
rity legislation, **13:54**

BELARUS

Personal data protection law, **14:3**

BELGIUM

Personal data protection law, **14:3**

BIOMETRIC IDENTITY VERIFICATION METHODS

Technical Security Measures, this
index

BIOMETRIC INFORMATION PRIVACY

Data privacy statutes, **7:17**

BLOGGING

Corporate security and privacy
duties, policies and forms, **10:51**

BOLIVIA

Personal data protection law, **14:3**

BOSNIA AND HERZEGOVINA

Personal data protection law, **14:3**

BRAZIL

Personal data protection law, **14:3**

BREACH OF CONTRACT

Privacy Litigation, this index

Security Litigation, this index

BRING YOUR OWN DEVICE (BYOD) WORKPLACES

Corporate risk management

Emerging issues, **5:80**

BROWSERS

Networks, security and privacy, **2:9**

BULGARIA

Personal data protection law, **14:3**

CALIFORNIA

California Online Privacy Protection
Act of 2003, data privacy
statutes, **7:10**

Computer security statutes, **6:66**

Confidentiality of Medical Informa-
tion Act, **12:71**

Data security breach notification,
7:11

CALIFORNIA CONSUMER PRIVACY ACT OF 2018

Privacy litigation, **9:134**

CANADA

Personal data protection law, **14:3**

**CAN-SPAM ACT (CONTROLLING
THE ASSAULT OF
NON-SOLICITED
PORNOGRAPHY AND
MARKETING ACT OF 2003)**

Generally, **7:13, 9:55 et seq.**

“Aggravated violations,” **9:61**

Exceptions

Fraudulent content to be pled with
particularity, **9:67**

Prior affirmative consent, **9:65**

Subsequent affirmative consent,
9:66

Transactional or relationship mes-
sage, **9:64**

Fraudulent content to be pled with
particularity, **9:67**

Parties, proper

Potential defendants, including
secondary liability, **9:69**

Potential private plaintiffs,
restricted universe, **9:68**

“Pattern or practice” requirement,
9:60

Predicates for violations, **9:58**

Preemption of state law, **7:58, 9:56**

Private right of action under, **9:57**

Prohibited acts

Generally, **9:59**

“Aggravated violations,” **9:61**

Coextensive crimes based on other
acts, **9:62**

False or misleading transmission
information, **9:63**

“Pattern or practice” requirement,
9:60

Sexually oriented material,
unlabeled, **9:62**

Remedies, **9:71**

Restricted universe, potential private
plaintiffs, **9:68**

Secondary liability, potential
defendants, **9:69**

State analogs to CAN-SPAM Act,
9:72

Venue, **9:70**

Violations, predicates for, **9:58**

Who can sue under, **9:57**

CAPE VERDE

Personal data protection law, **14:3**

CAYMAN ISLANDS

Personal data protection law, **14:3**

CELLULAR TELEPHONES

Networks (NISs), security and
privacy, **2:16, 2:17**

Telephone Consumer Protection Act
(TCPA)

Automatic telephone dialing
system, **9:75**

Telephone Consumer Protection Act
(TCPA), automatic telephone
dialing system, **9:75**

CHECKLIST

Corporate security and privacy
duties, legal threat modeling,
10:68

CHILDREN

Children’s Online Privacy Protection
Act (COPPA), this index

Criminal Law, this index

**CHILDREN’S ONLINE PRIVACY
PROTECTION ACT (COPPA)**

Generally, **7:33, 9:84-9:91**

Claims, elements, **9:85**

Compliance, **7:39**

Consent, failure to obtain parental
consent, **9:87**

Coverage, **7:34**

Elements of claim, **9:85**

Enforcement, **7:39**

Exceptions to parental consent
requirement, **7:38**

Financial institutions, applicability of
Act, **13:49**

Jurisdiction, **9:90**

Notice requirements, **7:36**

Parties, **9:89**

Preemption, **7:58**

Prohibited acts, **9:86**

Failure to obtain parental consent,
9:87

Failure to protect information, **9:88**

Provisions, major, **7:35**

Remedies, **9:91**

INDEX

CHILDREN'S ONLINE PRIVACY PROTECTION ACT (COPPA)

—Cont'd

- Safe harbor provision, **7:40**
- Verifiable parental consent, **7:37**

CHILE

- Personal data protection law, **14:3**

CHINA

- Electronic security risks and need for privacy, **1:19**
- Personal data protection law, **14:3**

CIPHERS

- Encryption, this index

CIVIL ACTIONS

- Electronic Communications Privacy Act, this index
- Fair and Accurate Credit Transactions Act of 2003 (FACTA), this index
- Privacy Litigation, this index
- Security Litigation, this index

CLARIFYING LAWFUL OVERSEAS USE OF DATA ACT

- Generally, **6:37**

CLASS ACTION LITIGATION

- Privacy litigation, class certification, standing, waivers, and settlement, **9:182**
- Telephone Consumer Protection Act (TCPA), **9:82**

CLICK-WRAP AGREEMENTS

- Generally, **10:32**

CLOUD ACT

- Generally, **6:37**

CLOUD COMPUTING

- Corporate risk management
- Emerging issues, **5:81**
- Corporate security and privacy duties, policies and forms, **10:12**
- Networks (NISs), security and privacy, **2:20**

COLOMBIA

- Personal data protection law, **14:3**

COLORADO

- Computer security statutes, **6:66**

COMMON LAW

- Corporate security and privacy duties, policies and forms, **10:15**

COMMUNICATIONS DECENCY ACT OF 1996 (CDA)

- Defenses to electronic privacy claims. Privacy Litigation, this index

COMPROMISE OF SYSTEM

- Electronic Security Risks and Need for Privacy, this index

COMPUTER FRAUD AND ABUSE ACT (CFAA)

- Generally, **6:3**
- Access. Damage to computers through access, below
- Attempted prohibited acts, **6:12**
- Civil litigation
 - Privacy litigation, below
 - Security litigation, below
- Computer, definition, **6:21**
- Confidential information and communication
 - Criminal penalties, **6:15**
 - Prohibited acts, **6:6, 9:6**
- Criminal penalties
 - Generally, **6:13**
 - Access damaging computers, **6:15**
 - Confidential information violations, **6:15**
 - Extortion threats, **6:16**
 - Fraud, **6:16**
 - Government computer violations, **6:15**
 - Intentional damages, **6:17**
 - Knowing or reckless conduct
 - Death, **6:19**
 - Serious bodily harm, **6:18**
 - National security violations, **6:14**
- Damage to computers through access
 - Criminal penalties, **6:15**
 - Definition of damage, **6:21**
 - Prohibited acts, **6:9**
 - Security litigation, **8:7**

**COMPUTER FRAUD AND ABUSE
ACT (CFAA)—Cont'd**

Damages and loss, security litigation, **8:9**
 Death, knowing or reckless conduct causing, criminal penalties, **6:19**
 Definitions, **6:21**
 Disloyal employee as defendant, split in authority, **9:16**
 Disloyal employees, use by employers against, **6:27**
 Elements, security litigation, **8:6**
 E-mail, harvesting e-mail addresses and spamming, **6:25**
 Exceeds authorized access, definition, **6:21**
 Extortion threats
 Generally, **6:11**
 Criminal penalties, **6:16**
 Privacy litigation, **9:14**
 Federal Bureau of Investigation, authority, **6:20**
 Fraud
 Criminal penalties, **6:16**
 Prohibited acts, **6:8, 9:8**
 Good faith security research, **8:10**
 Government computers
 Criminal penalties, **6:15**
 Prohibited acts, **6:7**
 Harvesting e-mail addresses, **6:25**
 Intentional damages, criminal penalties for offenses involving, **6:17**
 Knowing or reckless conduct, criminal penalties
 Death, **6:19**
 Serious bodily harm, **6:18**
 Law enforcement activity, no effect on, **6:22**
 Litigation
 Privacy litigation, below
 Security litigation, below
 Loss, definition, **6:28**
 Mens rea requirement, **6:24**
 National security violations
 Criminal penalties, **6:14**
 Unauthorized access, **6:5**
 Password trafficking
 Generally, **6:10**

**COMPUTER FRAUD AND ABUSE
ACT (CFAA)—Cont'd**

Password trafficking—Cont'd
 Computer Fraud and Abuse Act, **9:9**
 Criminal penalties, **6:15**
 Privacy litigation, **9:13**
 Pleadings, **9:20**
 Privacy litigation
 Generally, **9:3**
 Court, proper, **9:17**
 Disloyal employee as defendant, split in authority, **9:16**
 Elements of CFAA claim, **9:4**
 Extortion threats, **9:14**
 Fraud, **9:8**
 Hacking and other unauthorized access, **9:7**
 Infection, unauthorized, **9:11**
 Intentional or reckless unauthorized access, **9:12**
 Intrusion into financial e-file, **9:6**
 Parties, proper, **9:15**
 Disloyal employee as defendant, split in authority, **9:16**
 Pleadings, **9:20**
 Prohibited acts relevant to electronic privacy litigation
 Generally, **9:5 to 9:14**
 Data scraping, **9:10**
 Extortion threats, **9:14**
 Fraud, **9:8**
 Hacking and other unauthorized access, **9:7**
 Infection, unauthorized, **9:11**
 Intentional or reckless unauthorized access, **9:12**
 Intrusion into financial e-file, **9:6**
 Password sharing, **9:9**
 Scraping of data, **9:10**
 Trafficking in access information, **9:13**
 Remedies, **9:19**
 Statute of limitations, **9:18**
 Trafficking in access information, **9:13**
 Private right of action, **6:23**

INDEX

COMPUTER FRAUD AND ABUSE ACT (CFAA)—Cont'd

- Prohibited acts
 - Generally, **6:4**
 - Attempted acts, **6:12**
 - Confidential information and communication, **6:6, 9:6**
 - Damage to computers, **6:9**
 - Extortion threats, **6:11, 9:14**
 - Fraud, **6:8**
 - Government computers, **6:7**
 - National security, unauthorized access, **6:5**
 - Password trafficking, **6:10, 9:13**
- Protected computer, definition, **6:21**
- Secondary liability, **9:21**
- Secret Service, authority, **6:20**
- Security litigation
 - Generally, **8:5**
 - Access, survey of caselaw, **8:7**
 - Damages and loss, **8:9**
 - Elements, **8:6**
 - Private right of action, **6:23**
 - Survey of caselaw
 - Access, **8:7**
 - Damages and loss, **8:9**
 - Transmission, **8:8**
 - Transmission, survey of caselaw, **8:8**
- Serious bodily harm, knowing or reckless conduct causing, criminal penalties, **6:18**
- Spamming, **6:25**
- Statute of limitations, **6:23, 9:18**
- Thing of value, mere access as possibly not thing of value, **6:26**
- Transmission, security litigation, **8:8**

COMPUTER MALPRACTICE Security litigation, **8:38**

CONFIDENTIAL INFORMATION AND COMMUNICATION

- Computer Fraud and Abuse Act (CFAA), this index

CONNECTICUT

- Computer security statutes, **6:66**

CONSUMER CREDIT REPORTS

- Fair and Accurate Credit Transactions Act of 2003 (FACTA), **9:155**

CONSUMER PROTECTION

- Telephone Consumer Protection Act (TCPA), this index

CONSUMER REPORTS

- Fair Credit Reporting Act (FCRA), this index

CONTROLS

- Corporate Risk Management, this index

CONVERSION

- Security Litigation, this index

COOKIES

- Electronic security risks and need for privacy, **1:57**
- Stored Communications Act, **9:36**

COPYRIGHTS

- Digital Millennium Copyright Act, this index
- Infringement
 - Security Litigation, this index
- Proposals. Data security statutes, this index

CORPORATE RISK MANAGEMENT

- Generally, **5:1-5:84**
- Assessment of risks
 - Evaluating enterprise information-system security risks
 - Generally, **5:25-5:30**
 - Qualitative evaluation
 - Generally, **5:27**
 - Asset valuation, stage one, **5:28**
 - Risk evaluation, stage two, **5:29**
 - Risk management, stage three, **5:30**
 - Quantitative evaluation, **5:26**
- Framing of risk, **5:3, 5:9**
- Information systems security risk
 - Generally, **5:10-5:30**
 - Loss, **5:24**

CORPORATE RISK

MANAGEMENT—Cont'd

Assessment of risks—Cont'd

Information systems security risk
—Cont'd

Threats, below

Vulnerability, **5:11-5:14**

Losses, **5:24**

Threats

Generally, **5:10-5:30, 5:15-5:23**

Application-level attacks, **5:20**

Covering tracks, attack phase
five, **5:23**

Denial-of-service (DOS) attacks,
5:21

Exploiting systems, attack phase
three

Generally, **5:18**

Application-level attacks,
5:20

Denial-of-service (DOS)
attacks, **5:21**

Gaining unauthorized access,
5:19

Gaining unauthorized access,
5:19

Maintaining access, attack phase
four, **5:22**

Reconnaissance, attack phase
one, **5:16**

Scanning, attack phase two,
5:17

Vulnerabilities, **5:11-5:14**

Audit

Generally, **5:62**

Components of risk management,
5:8

External audits, **5:64**

Internal audits, **5:63**

Legal information security strat-
egy, **10:64**

Bring your own device (BYOD)
workplaces

Emerging issues, **5:80**

Cloud computing

Emerging issues, **5:81**

Components of risk management

Generally, **5:2-5:8**

Audit, **5:8**

CORPORATE RISK

MANAGEMENT—Cont'd

Components of risk management
—Cont'd

Control, **5:7**

Framing of risk, **5:3, 5:9**

Controls

Generally, **5:38-5:61**

Administrative controls, **5:41**

Applying administrative and
technical controls, **5:42**

Component of risk management,
5:7

Customer information, encrypted
channels for maintenance and
transfer, **10:17-10:19**

IT security controls

Generally, **5:48**

Application security, **5:56**

Computer account management,
5:52

Computer system security, **5:54**

Corporate computer use policies,
10:34-10:49

Identification and authentication
Generally, **5:49**

Computer account manage-
ment, **5:52**

Information systems access,
5:50

Password format and manage-
ment, **5:51**

Remote access, **5:53**

Information classification
controls, **5:57**

Information systems access,
5:50

Network security, **5:55**

Password format and manage-
ment, **5:51**

Remote access, **5:53**

Least information privilege policy,
10:56

Personnel security controls

Generally, **5:43**

Background investigation, **5:45**

Drug screenings, **5:46**

Pre-employment screenings

Generally, **5:44**

INDEX

CORPORATE RISK

MANAGEMENT—Cont'd

Controls—Cont'd

Personnel security controls
—Cont'd

Pre-employment screenings
—Cont'd

Background investigation,
5:45

Self-certification, **5:47**

Physical security controls

Generally, **5:58**

Confidential area controls, **5:61**

Public area controls, **5:59**

Sensitive area controls, **5:60**

Pre-employment screenings.

Personnel security controls,
above

Technical controls, **5:40**

Emerging issues, **5:78-5:84**

Incident and incident response. Infor-
mation system security incident
response, below

Incident/Incident response flow, **5:76**

Information system security incident
response

Generally, **5:65**

Incident and incident response

Generally, **5:67**

Contain, phase 3 methodology,
5:72

Eradicate, phase 4 methodology,
5:73

Follow-up, phase 6 methodol-
ogy, **5:75**

Identify, phase 2 methodology,
5:71

Legal information security strat-
egy, **10:64**

Prepare, phase 1 methodology,
5:70

Recover, phase 5 methodology,
5:74

Response methodology, **5:69-
5:76**

Taxonomy, **5:68**

Incident/Incident response flow,
5:76

Information systems, **5:66**

CORPORATE RISK

MANAGEMENT—Cont'd

Information system security incident
response—Cont'd

Response methodology, incident
response, **5:69-5:76**

Information systems, **5:66**

Insurance Coverage for Cyber

Losses, this index

Internet of things

Emerging issues, **5:83**

IT security controls. Controls, above

Legal threat modeling, **10:54-10:57,
10:68**

Major sources risk, **5:79**

Mobile devices

Emerging issues, **5:80**

Open Systems Interconnection (OSI)
reference model, **5:77**

Personnel security controls. Controls,
above

Physical security controls. Controls,
above

Policy creation and maintenance

Generally, **5:33**

Best practice documents and
resources, **5:37**

Developing policy documents

Generally, **5:34**

Best practice documents and
resources, **5:37**

IT policy types, **5:35**

Laws and regulations pertinent,
5:36

Information security policy, gener-
ally, **5:33**

IT policy types, **5:35**

Pre-employment screenings.

Controls, above

Response

Generally, **5:31-5:61**

Incident response, **5:69-5:76**

Risk management cycle

Emerging issues, **5:78**

Social media

Emerging issues, **5:82**

Work from home (WFH) workplace,
5:84

**CORPORATE SECURITY AND
PRIVACY DUTIES, POLICIES
AND FORMS**

Generally, **10:1-10:68**
 Access/participation: privacy policy as to consumers' ability to access/change their information, **10:23**
 Application service providers (ASPs), duties owed by, **10:11**
 Checklist, legal threat modeling, **10:68**
 Choice/consent: privacy policy as to consumers' ability to opt out, **10:22**
 Click-wrap agreements, **10:32**
 Cloud computing and data risk, **10:12**
 Common law obligations to protect data belonging to another, confidential and private third-party information, **10:15**
 Computer use policy, third-party policies and forms, **10:47-10:47**
 Confidentiality, duty of confidentiality for internal corporate information and trade secrets, **10:2**
 Confidentiality agreements, third-party information, **10:16**
 Customers, duty to customers to enable unhindered use of system. Internal security and privacy, below
 Cyberattacks, shareholder derivative lawsuits spawning from, **8:56**
 Data risk and cloud computing, **10:12**
 Enforcement: privacy policy as to explanation to consumers of internal enforcement policies, **10:25**
 Enforcement, Securities and Exchange Commission (SEC), **8:56**
 Fiduciary duty
 Confidential and private third-party information, protection of data belonging to another, **10:15**
 Internal security and privacy, duty of due care, **10:8**

**CORPORATE SECURITY AND
PRIVACY DUTIES, POLICIES
AND FORMS—Cont'd**

HITECH sample data breach notification letter to individual, **10:43**
 HITECH sample data breach notification to media, **10:44**
 Internal security and privacy
 Generally, **10:1**
 Application service providers (ASPs), duties owed by, **10:11**
 Cloud computing and data risk, **10:12**
 Confidentiality, duty of confidentiality for internal corporate information and trade secrets, **10:2**
 Customers, duty to customers to enable unhindered use of system
 Generally, **10:9**
 Viruses, Trojan horses and other malware, security from, **10:10**
 Data risk and cloud computing, **10:12**
 Fiduciary duty of due care, **10:8**
 Forms
 Corporate computer use policies, **10:34-10:49**
 Corporate policies, **10:13**
 Internet service providers (ISPs), duties owed by, **10:11**
 MD&A, SEC disclosures, duty to shareholders, **10:5**
 Onsite service providers (OSPs), duties owed by, **10:11**
 SEC disclosures, duty to shareholders
 Generally, **10:4**
 Description of business, **10:7**
 Management's discussion and analysis, **10:5**
 Risk factors, **10:6**
 Shareholder derivative lawsuits spawning from cyberattacks, **8:56**

**CORPORATE SECURITY AND
PRIVACY DUTIES, POLICIES
AND FORMS—Cont'd**

- Internal security and privacy
 - Cont'd
 - Shareholders, duty to
 - Generally, **10:3**
 - SEC disclosures, duty to shareholders, above
 - Trade secrets, duty of confidentiality for internal corporate information and trade secrets, **10:2**
 - Viruses, Trojan horses and other malware, customer security from, **10:10**
- Internet service providers (ISPs), duties owed by, **10:11**
- Legal information security strategy
 - Adherence to, **10:62-10:65**
 - Audits, **10:64**
 - Benefits of, **10:60**
 - Checklist, legal threat modeling, **10:68**
 - Contracts, adequacy of existing, **10:67**
 - Creation of, **10:53-10:66**
 - Data handling policies, **10:58**
 - Data intensive businesses, **10:55**
 - Data management systems, **10:64**
 - Data security laws, **10:65**
 - Drafting a corporate data security policy document, **10:61**
 - Evolution, **10:62-10:65**
 - External information sharing, **10:57**
 - External legal dependencies, **10:57**
 - Future uses for collected data, **10:66**
 - Internal information sharing, **10:56**
 - Least information privilege policy, **10:56**
 - Legal threat modeling, **10:54-10:57, 10:68**
 - Privacy laws, **10:65**
 - Reactive vs. proactive legal culture, **10:59**
 - Responses to most recent security incident, **10:63**

**CORPORATE SECURITY AND
PRIVACY DUTIES, POLICIES
AND FORMS—Cont'd**

- Liability for disclosing private information, privacy policy as to, **10:27**
- Malware, security from spreading viruses, Trojan horses and other malware, **10:29**
- Malware and viruses, customer security from, **10:10**
- Miscellaneous Federal Notification Laws, **10:46**
- National Computer Crime Squad, **10:30**
- Notice/awareness: privacy policy as to what company does with collected information, **10:21**
- Notification for Public Companies, **10:45**
- Onsite service providers (OSPs), duties owed by, **10:11**
- Policies and forms. Third-party policies and forms, below
- Privacy policy regarding use of third-party information
 - Generally, **10:20**
 - Access/participation: consumers' ability to access/change their information, **10:23**
 - Choice/consent: consumers' ability to opt out, **10:22**
 - Enforcement: explanation to consumers of internal enforcement policies, **10:25**
 - Integrity/security: information on how data will be kept confidential, **10:24**
 - Liability for disclosing private information, **10:27**
 - Notice/awareness: what company does with collected information, **10:21**
 - Unsolicited e-mail, sending and receipt of, **10:26**
- Responsibility for data security, third-party information, **10:14**
- SEC disclosures, duty to shareholders. Internal security and privacy, above

**CORPORATE SECURITY AND
PRIVACY DUTIES, POLICIES
AND FORMS—Cont'd**

- Service providers, internal security and privacy duties owed by ASPs, ISPs, and OSPs, **10:11**
- Shareholder derivative lawsuits spawning from cyberattacks, **8:56**
- Shareholders, duty to. Internal security and privacy, above
- Shrink-wrap agreements, **10:32**
- Third-party information, confidential and private
 - Generally, **10:14**
 - Access/participation: privacy policy as to consumers' ability to access/change their information, **10:23**
 - Choice/consent: privacy policy as to consumers' ability to opt out, **10:22**
 - Common law obligations to protect data belonging to another, **10:15**
 - Confidentiality agreements, **10:16**
 - Customers, encrypted channels for maintenance and transfer of customer information
 - Generally, **10:17**
 - Internal channels, **10:18**
 - Third-party commerce partners, **10:19**
 - Enforcement: privacy policy as to explanation to consumers of internal enforcement policies, **10:25**
 - Fiduciary obligation, protection of data belonging to another, **10:15**
 - Integrity/security: privacy policy as to information on how data will be kept confidential, **10:24**
 - Responsibility for data security, third-party information, **10:14**
- Third-party policies and forms
 - Generally, **10:31**
 - Acknowledgment of IT policy, all personnel, **10:50**

**CORPORATE SECURITY AND
PRIVACY DUTIES, POLICIES
AND FORMS—Cont'd**

- Third-party policies and forms
 - Cont'd
 - Blogging, **10:51**
 - Checkbox short form, online/offline privacy and security policy, **10:34**
 - Choice/opt-out disclosure, **10:38**
 - Click-wrap agreements, **10:32**
 - Computer use policy, **10:47-10:47**
 - Disclosure of effect of sale of business, **10:36, 10:37**
- Forms
 - Checkbox short form, online/offline privacy and security policy, **10:34**
 - Choice/opt-out disclosure, **10:38**
 - Computer use policy, **10:47-10:47**
 - Disclosure of effect of sale of business, **10:36, 10:37**
 - HITECH sample data breach notification letter to individual, **10:43**
 - HITECH sample data breach notification to media, **10:44**
 - Hosting agreement, **10:40**
 - Information security policies, **10:52**
 - IT policy acknowledgment for all personnel, **10:50**
 - MIS department personnel, computer use policy, **10:47**
 - Notice of security breach, **10:41-10:44**
 - Online/offline privacy and security policy, **10:34**
 - Privacy policy, sample, **10:35**
 - HITECH sample data breach notification letter to individual, **10:43**
 - HITECH sample data breach notification to media, **10:44**
 - Hosting agreement, security provisions, **10:40**
 - Information security policies, **10:52**

INDEX

CORPORATE SECURITY AND PRIVACY DUTIES, POLICIES AND FORMS—Cont'd

- Third-party policies and forms
—Cont'd
 - Information sharing agreements,
10:33
 - IT policy acknowledgment for all
personnel, **10:50**
 - MIS department personnel, com-
puter use policy, **10:47**
 - Notice of security breach, **10:41-
10:44**
 - Online/offline privacy and security
policy, **10:34**
 - Privacy policy, sample, **10:35**
 - Security disclosure, **10:38, 10:39**
 - Shrink-wrap agreements, **10:32**
 - Social media policy, **10:51**
 - Website visitors/customers, **10:32**
- Third-party systems, damage caused
to
 - Generally, **10:28**
 - Employee/contractor abuse, secu-
rity from employee/contractor
intentional abuse of third-
party systems, **10:30**
 - Malware, security from spreading
viruses, Trojan horses and
other malware, **10:29**
 - National Computer Crime Squad,
10:30
 - Policies and forms. Third-party
policies and forms, above
 - State bomb shelter legislation,
10:27
 - Uniform Computer Information
Transactions Act (UCITA),
10:27
- Trade secrets, duty of confidentiality
for internal corporate informa-
tion and trade secrets, **10:2**
- Uniform Computer Information
Transactions Act (UCITA), dam-
age caused to third-party
systems, **10:27**
- Unsolicited e-mail, privacy policy as
to sending and receipt of, **10:26**
- Viruses, Trojan horses and other
malware, customer security
from, **10:10**

CORPORATE SECURITY AND PRIVACY DUTIES, POLICIES AND FORMS—Cont'd

- Website visitors/customers, **10:32**

CORPORATIONS

- Privacy. Corporate Security and
Privacy Duties, Policies and
Forms, this index
- Risk management. Corporate Risk
Management, this index
- Security. Corporate Security and
Privacy Duties, Policies and
Forms, this index

COSTA RICA

- Personal data protection law, **14:3**

COUNCIL OF EUROPE CONVENTION 108

- European Laws and Initiatives, below

COUNTERINTELLIGENCE ACCESS TO TELEPHONE AND TRANSACTIONAL RECORDS

- Electronic Communications Privacy
Act, this index

CRACKERS AND CRACKING

- Generally, **1:1, 1:12**
- Criminal Law, this index

CREDIT CARD NUMBERS

- Fair and Accurate Credit Transactions
Act of 2003 (FACTA), **9:152**

CREDIT REPORTS

- Fair and Accurate Credit Transactions
Act of 2003 (FACTA), **9:155**

CRIMINAL LAW

- Categories of cybercrime, **14:2**
- Computer as incidental to commis-
sion, category of cybercrime,
14:2
- Computer as target of crime, category
of cybercrime, **14:2**
- Computer as tool of commission,
category of cybercrime, **14:2**
- Computer Fraud and Abuse Act
(CFAA), this index

CRIMINAL LAW—Cont'd

- Cyber-Crime Convention. European Laws and Initiatives, this index
- Economic Espionage Act (EEA), criminal penalties, **6:57**
- Federal cybercrime statutes
 - Generally, **14:3**
- Federal Wire Fraud Statute, criminal penalties, **6:50**
- Fraud
 - Federal cybercrime statutes, above
- Harassment
 - Federal cybercrime statutes, above
- Intellectual property crimes. Federal cybercrime statutes, above
- National Stolen Property Act, criminal penalties, **6:54**
- Penalties
 - Economic Espionage Act (EEA), **6:57**
 - Federal Wire Fraud Statute, **6:50**
 - National Stolen Property Act, **6:54**

CROATIA

- Personal data protection law, **14:3**

CRYPTOANALYSIS

- Encryption, this index

CUSTOMER COMMUNICATIONS OR RECORDS

- Electronic Communications Privacy Act, this index

CYBER LIABILITY INSURANCE

- Insurance Coverage for Cyber Losses, this index

CYBERATTACKS

- Electronic Security Risks and Need for Privacy, this index
- Networks (NISs), Security and Privacy, this index
- Shareholder derivative lawsuits, **8:56**

CYBER-CRIME CONVENTION

- European Laws and Initiatives, this index

CYBERTERRORISM

- Electronic security risks and need for privacy, **1:5**

CYPRUS

- Personal data protection law, **14:3**

CZECH REPUBLIC

- Personal data protection law, **14:3**

DAMAGES

- Computer Fraud and Abuse Act (CFAA), **8:9**
- Security Litigation, this index
- Telephone Consumer Protection Act (TCPA), **9:79**

DATA BREACH LAWS

- Privacy litigation, **9:107**

DATA ENCRYPTION STANDARD (DES)

- Encryption, this index

DATA GATHERING

- Privacy issues, **1:57**

DATA PRIVACY STATUTES

- Generally, **7:1-7:65**
- Anti-spamming legislation, state, **7:13, 7:63**
- Biometric Information Privacy, **7:17**
- California Online Privacy Protection Act of 2003, **7:10**
- Children's Privacy. Children's Online Privacy Protection Act (COPPA), this index
- Electronic Communications Privacy Act of 1986 (ECPA), this index
- Enforcement, Federal Communications Commission (FCC), **7:5**
- Enforcement actions
 - Federal Trade Commission (FTC), **7:3**
 - Securities and Exchange Commission (SEC), **8:55**
- Enforcement actions and litigation, **7:12**
- Family Educational Rights and Privacy Act, **7:42**
- Federal Communications Commission (FCC) and privacy, **7:4**
- Federal Communications Commission (FCC) enforcement, **7:5**
- Federal privacy legislation, **7:65**
- Financial Privacy, this index

INDEX

DATA PRIVACY STATUTES

—Cont'd

- Freedom of Information Act, **7:45**
- FTC enforcement actions, **7:3**
- Governmental web sites, privacy policies on, **7:61**
- Health Care Privacy, this index
- Interaction between federal and state statutes
 - Generally, **7:57**
 - Preemption, **7:58**
 - State enforcement powers, **7:59**
- Major legislative areas
 - Generally, **7:16**
 - Biometric Information Privacy, **7:17**
 - Children's Privacy. Children's Online Privacy Protection Act (COPPA), this index
 - Electronic Communications Privacy Act of 1986 (ECPA), this index
 - Financial Privacy, this index
 - Health Care Privacy, this index
 - Online Privacy, this index
 - Public records, privacy for personal information in public records, below
 - U.C.C. Article 4A, this index
- Online Privacy, this index
- Personal information, **7:64**
 - E-commerce, state prohibitions against unauthorized dissemination of personal information by e-commerce merchants, **7:14**
 - Public records, privacy for personal information in public records, below
- Political climate mandating increasing privacy regulation
- FTC aggressiveness, **7:2**
- Public concern, **7:1**
- Spyware, **7:7**
- State privacy initiatives, below
- Technology, **7:6**
- Transformation of business methods, **7:7**

DATA PRIVACY STATUTES

—Cont'd

- Preemption, interaction between federal and state statutes, **7:58**
- Privacy Act of 1994, **7:46**
- Public records, privacy for personal information in public records
 - Generally, **7:44**
 - Conclusion, **7:48**
 - Freedom of Information Act, **7:45**
 - Privacy Act of 1994, **7:46**
 - Proposed legislation, **7:47**
- Security breach notification, state initiatives, **7:62**
- Social security numbers, protecting, **7:8**
- Spamming, state anti-spamming legislation, **7:13**
- Spyware, **7:7**
- State privacy initiatives
 - Generally, **7:9**
 - Anti-spamming legislation, **7:13, 7:63**
 - California, data security breach notification, **7:11**
 - California Online Privacy Protection Act of 2003, **7:10**
 - Enforcement powers of state, **7:59**
 - Personal information, unauthorized dissemination of personal information by e-commerce merchants, **7:14**
 - Preemption, **7:58**
 - Uniform Computer Information Transactions Act (UCITA), **7:9**
 - Work, electronic privacy at work, **7:15**
- State spyware initiatives
 - Generally, **7:60**
- Student's privacy, **7:42, 7:43**
- U.C.C. Article 4A, this index
- Video Privacy Protection Act, **9:92 to 9:105**
- Work, state privacy initiatives as to electronic privacy at work, **7:15**

DATA SCRAPING

- Computer Fraud and Abuse Act (CFAA), **9:10**

DATA SECURITY STATUTES

Generally, **6:1-6:66**
Computer Fraud and Abuse Act of 1986, this index
Computer security statutes and regulations by state, **6:66, 6:67**
Defend Trade Secrets Act, **6:58, 6:59**
Digital Millennium Copyright Act, this index
Electronic Communications Privacy Act, this index
Electronic Espionage Act (EEA), this index
Federal Wire Fraud Statute, this index
Federal Wiretap Statutes, this index
Foreign Intelligence Surveillance Act, **6:46**
Gramm-Leach-Bliley Act, security rule proposed. Gramm-Leach-Bliley Act, this index
Health Insurance Portability and Accountability Act of 1996. Health Care Privacy, this index
Homeland Security Act of 2002, **6:47**
K-12 Cybersecurity Act of 2021, **6:61**
National Stolen Property Act, this index
No Electronic Theft Act of 1997 (NET), **6:51**
Protecting American Intellectual Property Act of 2022, **6:64**
Protecting Americans Data from Foreign Adversaries Act of 2024, **6:65**
State and Local Government Cybersecurity Act of 2021, **6:63**
State computer security statutes and regulations, **6:66, 6:67**
Strengthening American Cybersecurity Act of 2022, **6:62**
The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001, **6:2**
U.C.C. Article 4A, this index
USA Patriot Act of 2001, **6:2**

DATA TAMPERING OR MANIPULATING

Compromise of system, **1:34**

DEBIT CARD NUMBERS

Fair and Accurate Credit Transactions Act of 2003 (FACTA), **9:153**

DECRYPTION

Encryption, this index

DEFEND TRADE SECRETS ACT

Application, **6:58**
Data security statutes, **6:58, 6:59**
Remedies, **6:59**

DEFENSES

Privacy litigation, this index
Security Litigation, this index
Stored Communications Act, this index

DELAWARE

Computer security statutes, **6:66**

DENIAL-OF-SERVICE (DOS) ATTACKS

Electronic security risks and need for privacy, **1:49**

DENMARK

Personal data protection law, **14:3**

DIGITAL CERTIFICATES

Technical security measures, **3:18**

DIGITAL MILLENNIUM COPYRIGHT ACT

Generally, **8:46**
Fair-use, security litigation, **8:53**
Litigation. Security litigation, below
Remedies, **8:51**
Security litigation
Exemptions, **8:50**
Fair-use, survey of caselaw, **8:53**
Remedies, **8:51**
Section 1201(a)(1), **8:47**
Section 1201(a)(2), **8:48**
Section 1201(b), **8:49**
Survey of caselaw
Generally, **8:52**
Fair-use, **8:53**

INDEX

DIGITAL MILLENNIUM

COPYRIGHT ACT—Cont'd

Services. Devices and services, above

DIGITAL SIGNATURES

Encryption, this index

DISCLOSURES TO GOVERNMENT

Electronic Communications Privacy
Act, this index

DISCOVERY

Privacy litigation, this index

DISK ENCRYPTION

Technical security measures, **3:31**

DMZS

Technical security measures, **3:7**

DOS ATTACKS

Electronic security risks and need for
privacy, **1:49**

ECHELON

Automated e-mail interception
system, privacy issues, **1:61**

ECONOMIC ESPIONAGE ACT (EEA)

Generally, **6:55**
Application, **6:56**
Criminal penalties, **6:57**

ECUADOR

Personal data protection law, **14:3**

EDUCATION

Data privacy statutes, generally, **7:41**
to **7:43**
Family Educational Rights and
Privacy Act, **7:42**
State privacy statutes, **7:43**

ELECTRONIC COMMUNICATIONS, PROPOSALS ADDRESSING

Data security statutes, this index

ELECTRONIC COMMUNICATIONS PRIVACY ACT (ECPA)

Generally, **6:31, 7:53**

ELECTRONIC

COMMUNICATIONS PRIVACY ACT (ECPA)

—Cont'd

Assistance in installation, pen
registers and trap and trace
devices, **6:44**

Clarifying Lawful Overseas Use of
Data Act, overview, **6:37**

CLOUD Act, overview, **6:37**

Court orders, pen registers and trap
and trace devices, **6:38**

Definitions pen registers and trap and
trace devices, **6:39**

Disclosures to government. Customer
communications or records,
disclosures to government,
above

Evidence, suppression, violations,
6:34

Exceptions, **7:55**

FBI. Counterintelligence access to
telephone and transactional
records, above

Federal Wiretap Act, this index

Financial institutions, application of
ECPA to, **13:50**

Geographical limits, pen registers and
trap and trace devices, **6:43**

Installation, pen registers and trap
and trace devices, **6:40**

Assistance, **6:44**

Major provisions, **7:54**

Pen registers and trap and trace
devices

Generally, **6:38**

Assistance in installation, **6:44**

Definitions, **6:39**

Geographical limits, **6:43**

Time periods, **6:42**

Violations, **6:41**

When installation is allowed, **6:40**

Penalties, **7:56**

Redress for violations, **6:34**

Reports, pen registers and trap and
trace devices, **6:45**

State enforcement, **7:56**

Stored communications

Stored Communications Act, this
index

**ELECTRONIC
COMMUNICATIONS
PRIVACY ACT (ECPA)**

—Cont'd

- Suppression, evidence, violations,
6:34
- Telephone records. Counterintel-
ligence access to telephone and
transactional records, above
- Time periods, pen registers and trap
and trace devices, **6:42**
- Transactional records. Counterintel-
ligence access to telephone and
transactional records, above
- Trap and trace devices. Pen registers
and trap and trace devices,
above
- Violations
 - Pen registers and trap and trace
devices, **6:41**
 - Redress, **6:34**
- Wiretap Act. Federal Wiretap Act,
this index

**ELECTRONIC FUNDS TRANSFER
ACT (EFTA)**

- Banking, financial and insurance
industries, **13:47**
- Banking, Financial and Insurance
Industries, this index

**ELECTRONIC SECURITY RISKS
AND NEED FOR PRIVACY**

- Generally, **1:1-1:63**
- Access, methods and tools for gain-
ing system access
 - Generally, **1:21**
 - ATM skimming, **1:30**
 - Codes, cracking, **1:26**
- Compromise of system
 - Generally, **1:31**
 - Account-level compromise, **1:31**
 - Data tampering or manipulating,
1:34
 - Packet sniffing, **1:32**
 - Root-level compromise, **1:31**
 - Snooping and downloading,
1:33
 - System-level compromise, **1:31**

**ELECTRONIC SECURITY RISKS
AND NEED FOR PRIVACY**

—Cont'd

- Access, methods and tools for gain-
ing system access—Cont'd
- Confidentiality, integrity and avail-
ability, elements of security
measures, **1:21**
- Cracking codes, passwords and
keys, **1:26**
- Passwords
 - Cracking passwords, **1:26**
 - Physical access to passwords,
1:22
 - Sniffing, **1:27**
- Physical access, **1:22**
- Sniffing, **1:27**
- Spoofing, **1:28**
- Technical access
 - Generally, **1:23 et seq.**
 - ATM skimming, **1:30**
 - Back door, **1:24**
 - Codes, cracking, **1:26**
 - Cracking codes, passwords and
keys, **1:26**
 - Passwords, above
 - Probing, **1:24**
 - Scanning, **1:25**
 - Sniffing, **1:27**
 - Spoofing, **1:28**
 - Trap door, **1:24**
 - Wardriving, **1:29**
- Wardriving, **1:29**
- Account-level compromise, **1:31**
- Aggregating, privacy issues, **1:58**
- Automated data interception systems
 - Generally, **1:59**
- Automated e-mail interception
systems. E-mail, automated
e-mail interception systems,
below
- Banking, financial, and insurance
industry, trends, **13:52**
- Batch-file viruses, **1:53**
- Black hat hackers, **1:1**
- Boot-sector viruses, **1:38**
- Businesses, cyberattacks against, **1:3**
- China, **1:19**

INDEX

ELECTRONIC SECURITY RISKS AND NEED FOR PRIVACY

—Cont'd

- Codes, cracking, **1:26**
- Compromise of system. Access, methods and tools for gaining system access, above
- Confidentiality, integrity and availability, elements of security measures, **1:21**
- Cookies, **1:57**
- Costs of cyberattacks, **1:1**
- Crackers, **1:1, 1:12**
- Cracking codes, passwords and keys, **1:26**
- Cyberattacks
 - Batch-file viruses, **1:53**
 - Boot-sector viruses, **1:38**
 - Businesses, cyberattacks against, **1:3**
 - Code. Examples of malware program code, below
 - Costs of cyberattacks, **1:1**
 - Culprits. Perpetrators, below
 - Denial-of-service (DoS) attacks, **1:49**
 - DoS attacks, **1:49**
 - Examples of malware program code
 - Batch-file virus, **1:53**
 - Macro virus, **1:52**
 - Trojan horse, **1:54**
 - Flooding, denial-of-service attacks, **1:49**
 - Government agencies, cyberattacks against, **1:2**
 - Hoaxes, **1:47**
 - Infrastructure attacks, **1:50**
 - Jamming, denial-of-service attacks, **1:49**
 - Legal ramifications of cyberattacks, **1:55**
 - Logic-bomb Trojan horses, **1:45**
 - Macro viruses, **1:40, 1:51**
 - Methods and tools
 - Generally, **1:35**
 - Denial-of-service (DoS) attacks, **1:49**

ELECTRONIC SECURITY RISKS AND NEED FOR PRIVACY

—Cont'd

- Cyberattacks—Cont'd
 - Methods and tools—Cont'd
 - Flooding, denial-of-service attacks, **1:49**
 - Hoaxes, **1:47**
 - Infrastructure attacks, **1:50**
 - Jamming, denial-of-service attacks, **1:49**
 - Trojan horses, below
 - Viruses, below
 - Worms, **1:48**
 - Multipartite viruses, **1:43**
 - Partition-sector viruses, **1:39**
 - Perpetrators, below
 - Polymorphic viruses, **1:41**
 - Society, cyberattacks against, below
 - Stealth viruses, **1:42**
 - Trojan horses
 - Example of malware program code, **1:54**
 - Logic bombs, **1:45**
 - Trojan horses, below
 - Viruses, below
 - Worms, **1:48**
- Cyberterrorism, **1:5**
- Data gathering, privacy issues, **1:57**
- Data tampering or manipulating, **1:34**
- Denial-of-service (DoS) attacks, **1:49**
- Disclosure of vulnerabilities, **1:55**
- DoS attacks, **1:49**
- Echelon, automated e-mail interception system, **1:61**
- E-mail, automated data interception systems
 - E-911, **1:63**
 - Echelon, **1:61**
 - NarusInsight, **1:60**
 - Terrorism Information Awareness, **1:62**
- Employee perpetrators, **1:15**
- Ex-employee perpetrators, **1:16**
- Flooding, denial-of-service attacks, **1:49**
- Fraud on the Internet, **1:7**

**ELECTRONIC SECURITY RISKS
AND NEED FOR PRIVACY**

—Cont'd

Government agencies, cyberattacks
against, **1:2**
Hackers, **1:1, 1:11**
Hit-men, **1:13**
Hoax cyberattacks, **1:47**
Identity theft, **1:7**
Infowarfare, **1:5**
Infrastructure attacks, **1:50**
Jamming, denial-of-service attacks,
1:49
Legal ramifications of cyberattacks,
1:55
Logic-bomb Trojan horses, **1:45**
Macro viruses, **1:40, 1:51**
Malware pandemics, **1:6**
Methods and tools
Cyberattacks, above
System access. Access, methods
and tools for gaining system
access, above
Multipartite viruses, **1:43**
NarusInsight, automated e-mail
interception system, **1:60**
Packet sniffing, **1:32**
Page-jackers, **1:14**
Partition-sector viruses, **1:39**
Passwords. Access, methods and
tools for gaining system access,
above
People's Republic of China (PRC),
1:19
Perpetrators
Generally, **1:8**
Categories, **1:10-1:20**
China, **1:19**
Crackers, **1:1, 1:12**
Employees, **1:15**
Ex-employees, **1:16**
Hackers, **1:1, 1:11**
Hit-men, **1:13**
Make-up of perpetrators, generally,
1:9
Page-jackers, **1:14**
People's Republic of China (PRC),
1:19

**ELECTRONIC SECURITY RISKS
AND NEED FOR PRIVACY**

—Cont'd

Perpetrators—Cont'd
Phreakers, **1:17**
Russia, **1:20**
State-sponsored cyberthreats
generally, **1:18-1:20**
China, **1:19**
People's Republic of China
(PRC), **1:19**
Russia, **1:20**
Phreakers, **1:17**
Physical access, **1:22**
Polymorphic viruses, **1:41**
Privacy issues
Generally, **1:56**
Aggregating, **1:58**
Cookies, **1:57**
E-mail, automated e-mail intercep-
tion systems, above
Spyware, **1:57**
Web bugs, **1:57**
Ransomware, methods and tools,
1:46
Root-level compromise, **1:31**
Russia, **1:20**
Sniffing, **1:27**
Snooping and downloading, **1:33**
Society, cyberattacks against
Generally, **1:4**
Cyberterrorism, **1:5**
Identity theft, **1:7**
Infowarfare, **1:5**
Malware pandemics, **1:6**
Terrorism, **1:5**
Viruses, **1:6**
Spoofing, **1:28**
Spyware, **1:57**
State-sponsored cyberthreats, **1:18-1:20**
Stealth viruses, **1:42**
System access. Access, methods and
tools for gaining system access,
above
System-level compromise, **1:31**

INDEX

ELECTRONIC SECURITY RISKS AND NEED FOR PRIVACY —Cont'd

Technical access. Access, methods
and tools for gaining system
access, *above*

Terrorism, cyberterrorism, **1:5**

Terrorism Information Awareness,
1:62

Trojan horses

Generally, **1:44**

Example of malware program
code, **1:54**

Logic bombs, **1:45**

Viruses

Generally, **1:6, 1:36**

Batch-file viruses, **1:53**

Boot sector, **1:38**

Definition of virus, **1:36**

Logic-bomb, **1:45**

Macro, **1:40**

Multipartite, **1:43**

Partition sector, **1:39**

Polymorphic, **1:41**

Stealth, **1:42**

Traditional virus, **1:37**

Trojan horses, *above*

Worm, interchangeability of term
with virus, **1:48**

Wardriving, **1:29**

E-MAIL

Address collection by retailers, state
laws, Baby Fair and Accurate
Credit Transactions Acts, **9:154**

Automated e-mail interception
systems. Electronic Security
Risks and Need for Privacy, this
index

Computer Fraud and Abuse Act
(CFAA), harvesting e-mail
addresses and spamming, **6:25**

Electronic Security Risks and Need
for Privacy, this index

Encryption, this index

Federal Wiretap Act, employee
e-mail and social media activity,
state analogs to Federal Wiretap
Act and Stored Communications
Act, **9:54**

E-MAIL—Cont'd

Privacy litigation, employer policies
on employee e-mail, computer
and Internet use, **9:122**

Stored Communications Act,
interception or monitoring of
employee e-mail or e-mail
generated in non-employment
context, **9:34**

EMPLOYERS AND EMPLOYEES

Electronic privacy issues, **9:134**

Fair Credit Reporting Act (FCRA),
failure to notify applicant of
adverse employment decision
based on consumer report, **9:143**

Federal Wiretap Act, employee
e-mail and social media activity,
state analogs to Federal Wiretap
Act and Stored Communications
Act, **9:54**

Perpetrators, **1:15, 1:16**

Pre-employment screenings.
Corporate Risk Management,
above

Privacy Litigation, this index

State analogs to Federal Wiretap Act
and Stored Communications
Act, **9:54**

Stored Communications Act,
interception or monitoring of
employee e-mail or e-mail
generated in non-employment
context, **9:34**

Third-party systems, security from
employee/contractor intentional
abuse of third-party systems,
10:30

ENCRYPTION

Corporate security and privacy
duties, encrypted channels for
maintenance and transfer of
customer information, **10:17-
10:19**

Cryptoanalysis. Basic cryptoanalysis,
above

Cryptography, products, systems and
protocols

Hashing. Digital signatures and
hashing functions, *above*

ENCRYPTION—Cont'd

- Digital signatures and hashing functions. Cryptography, products, systems and protocols, above
- E-mail encryption
 - Generally, **3:33**
- Key escrow. Social issues and need for key escrow, below
- Products. Cryptography, products, systems and protocols, above
- Protocols. Cryptography, products, systems and protocols, above
- Security. Technical Security Measures, this index
- Systems. Cryptography, products, systems and protocols, above

ESPIONAGE

- Electronic Espionage Act (EEA), this index

ESTONIA

- Personal data protection law, **14:3**

EUROPEAN COMMISSION'S DIRECTIVE ON DATA PROTECTION 95/46/EC

- European Laws and Initiatives, below

EUROPEAN LAWS AND INITIATIVES

- Generally, **11:1-11:261**
- Arrangement on the Recognition of Common Criteria Certificates in the Field of Information Technology Security. Information security systems, below
- Austria, this index
- Belgium, this index
- Bulgaria, this index
- Commercial communications, EU rules on data protection for email marketing, **11:8**
- Common Criteria for Information Technology Security Evaluation. Information security systems, below
- Council of Europe Convention 108
 - Generally, **11:12**
 - Data protection guidelines, **11:13**

EUROPEAN LAWS AND INITIATIVES—Cont'd

- Cyber-Crime Convention. Information security systems, above
- Cyber-Crime Convention. Information security systems, below
- Cyprus, this index
- Czech Republic, this index
- Data Retention Directive 2006/24/EC: Rules on retention of communications data, **11:9**
- Denmark, this index
- Direct marketing, **11:8**
- Estonia, this index
- EU data protection directive 95/46/EC, major decisions in EU member states relating to, **11:37**
- European Commission's Directive on Data Protection 95/46/EC
 - Generally, **11:1**
 - General Data Protection Regulation, this index
- European Commission's GDPR
 - Information security systems, **11:36**
- Finland, this index
- France, this index
- General Data Protection Regulation, this index
- Germany, this index
- Greece, this index
- Hungary, this index
- Information security systems
 - Arrangement on the Recognition of Common Criteria Certificates in the Field of Information Technology Security
 - Generally, **11:22**
 - Dispute resolution, **11:24**
 - Substantive issues, **11:23**
 - Common Criteria for Information Technology Security Evaluation
 - Generally, **11:17**
 - Arrangement on the Recognition of Common Criteria Certificates in the Field of Information Technology Security, above

INDEX

EUROPEAN LAWS AND

INITIATIVES—Cont'd

Information security systems

—Cont'd

Common Criteria for Information
Technology Security Evalua-
tion—Cont'd

General security context, **11:21**

Key constructs, **11:20**

Overview, **11:18**

Structure, **11:19**

Council of Europe Convention on
Cyber-Crime

Generally, **11:28**

Disputes, **11:35**

International cooperation, **11:34**

Other provisions, **11:35**

Procedural law issues, **11:33**

Substantive criminal law

Generally, **11:30**

Ancillary liability and sanc-
tions, **11:32**

Offenses, **11:31**

Terms, **11:29**

EU data protection directive 95/46/
EC, major decisions relating
to, **11:37**

EU Member states' major deci-
sions relating to GDPR, **11:36**

European Union regulatory instru-
ments for network and infor-
mation security

Generally, **11:25**

Attacks against information
systems, **11:27**

Network and information secu-
rity proposal, **11:26**

Major decisions in EU Member
States relating to GDPR,
11:36

Major decisions relating to EU
data protection directive
95/46/EC, **11:37**

Organization for Economic
Cooperation and Develop-
ment (OECD)

Guidelines, security of informa-
tion systems and networks,
11:15

EUROPEAN LAWS AND

INITIATIVES—Cont'd

Information security systems

—Cont'd

Organization for Economic
Cooperation and Develop-
ment (OECD)—Cont'd

Recommendations, digital secu-
rity risk management for
economic and social
prosperity, **11:16**

Ireland, this index

Italy, this index

Latvia, this index

Lithuania, this index

Luxembourg, this index

Malta, this index

Netherlands, this index

Organization for Economic Coopera-
tion and Development (OECD)

Information security systems,
above

World treaties and cooperative
initiatives, below

Organization for Economic Coopera-
tion and Development (OECD)
Guidelines on the Protection of
Privacy and Transborder Flows
of Personal Data

Generally, **11:10**

Privacy principles, **11:11**

Poland, this index

Portugal, this index

Romania, this index

Slovakia, this index

Slovenia, this index

Spain, this index

Sweden, this index

United Kingdom, this index

United Nations, Guidelines for
Regulation of Computerized
Personal Data Files, **11:14**

World treaties and cooperative initia-
tives

Council of Europe Convention
108, above

Organization for Economic
Cooperation and Develop-
ment (OECD)

Guidelines, security of informa-

EUROPEAN LAWS AND

INITIATIVES—Cont'd

World treaties and cooperative initiatives—Cont'd

Organization for Economic Cooperation and Development (OECD)—Cont'd
 tension systems and networks, **11:15**

Recommendations, digital security risk management for economic and social prosperity, **11:16**

United Nations, Guidelines for Regulation of Computerized Personal Data Files, **11:14**

EVIDENCE

Record keeping, security litigation, **8:12**

EXTERNAL DATA SECURITY

Technical Security Measures, below

EXTORTION THREATS

Computer Fraud and Abuse Act (CFAA), this index

EXTRANET

Networks, security and privacy, **2:14**

FACIAL IDENTITY

VERIFICATION METHODS

Technical security measures, **3:28**

FAILURE TO TRUNCATE CREDIT AND/OR DEBIT CARD NUMBERS

Fair and Accurate Credit Transactions Act of 2003 (FACTA), **9:153**

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003 (FACTA)

Banking, financial and insurance industries, **13:38**

Civil actions

 Analogous state law issues, **9:154**

 E-mail address collection by retailers, state laws, **9:154**

 Failure to truncate credit and/or debit card numbers, **9:153**

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003 (FACTA)—Cont'd

Civil actions—Cont'd

 Lack of compliance with FTC Disposal Rule as to consumer credit reports and/or information derived from consumer credit reports, **9:155**

 Zip code collection by retailers, state laws, **9:154**

Consumer credit reports, **9:155**

Credit card numbers, failure to truncate, **9:153**

Debit card numbers, failure to truncate, **9:153**

E-mail address collection by retailers, state laws, **9:154**

Failure to truncate credit and/or debit card numbers, **9:153**

FTC Disposal Rule as to consumer credit reports and/or information derived from consumer credit reports, **9:155**

Lack of compliance with FTC Disposal Rule as to consumer credit reports and/or information derived from consumer credit reports, **9:155**

Zip code collection by retailers, state laws, **9:154**

FAIR CREDIT REPORTING ACT (FCRA)

Banking, Financial and Insurance Industries, this index

Consumer reports. Privacy litigation, below

Data breaches, **9:152**

Fair and Accurate Credit Transactions Act of 2003 (FACTA), this index

Privacy litigation

 Generally, **9:140-9:157**

 Attorney fees for bad-faith litigation tactics, **9:150**

Consumer reports

 Broadening definition, **9:151**

 Failure to give notice and obtain consent to procure

INDEX

FAIR CREDIT REPORTING ACT (FCRA)—Cont'd

Privacy litigation—Cont'd

Consumer reports—Cont'd

consumer report, **9:142**

Failure to notify applicant of
adverse employment deci-
sion based on consumer
report, **9:143**

Failure to provide requested
consumer report, **9:143**

Court for FCRA claim, **9:146**

data breaches, **9:152**

Elements of FCRA claim, **9:141**

Failure to give notice and obtain
consent to procure consumer
report, **9:142**

Failure to notify applicant of
adverse employment decision
based on consumer report,
9:143

Failure to provide requested
consumer report, **9:143**

Parties to FCRA claim, **9:145**

Preemption, **9:146**

Prohibited acts relevant to
electronic privacy

Failure to give notice and obtain
consent to procure
consumer report, **9:142**

Failure to notify applicant of
adverse employment deci-
sion based on consumer
report, **9:143**

Failure to provide requested
consumer report, **9:143**

Requesting report on opposing
party, potential liability for,
9:144

Remedies available under FCRA

Attorney fees for bad-faith liti-
gation tactics, **9:150**

Negligent noncompliance, **9:149**

Willful noncompliance, **9:148**

Requesting report on opposing
party, potential liability for,
9:144

Statute of limitations, **9:147**

Willful noncompliance, **9:148**

FAIR CREDIT REPORTING ACT (FCRA)—Cont'd

Remedies available under FCRA,
9:148

Willful noncompliance, **9:148**

FAIR-USE

Digital Millennium Copyright Act,
8:53

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Student's privacy, **7:42**

FAX MACHINES

Telephone Consumer Protection Act
(TCPA), unsolicited fax
advertisements, **9:77**

FCC

Federal Communications Commis-
sion, this index

FEDERAL BUREAU OF INVESTIGATION

Computer Fraud and Abuse Act
(CFAA), authority, **6:20**

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Data privacy statutes, **7:4, 7:5**

Enforcement, **7:5**

Privacy, **7:4**

FEDERAL DATA BREACH LAWS

Privacy litigation, **9:107**

FEDERAL PRIVACY LEGISLATION

Data privacy, **7:65**

FEDERAL TRADE COMMISSION

Data privacy statutes, **7:2, 7:3**

Fair and Accurate Credit Transactions
Act of 2003 (FACTA), FTC Dis-
posal Rule, **9:155**

Online privacy, Federal Trade Com-
mission Act, Section 5, **7:18**

FEDERAL WIRE FRAUD STATUTE

Generally, **6:48**

Application, **6:49**

Criminal penalties, **6:50**

FEDERAL WIRETAP ACT

- Generally, **6:32, 9:38-9:54**
- Absence of intent as defense, **9:51**
- Authorization, **6:33**
- Authorized government request, **9:49**
- Consent, interception, **6:33**
- Court, proper, **9:46**
- Defenses
 - Absence of intent, **9:51**
 - Authorized government request, **9:49**
 - Good faith belief that conduct permitted, **9:50**
- Elements of Federal Wiretap Act claim, **9:39**
- E-mail, state analogs to Federal Wiretap Act and Stored Communications Act, **9:54**
- Employees, state analogs to Federal Wiretap Act and Stored Communications Act, **9:54**
- Evidence, suppression, violations, **6:34**
- Exceptions to violations, **9:44**
- Good faith belief that conduct permitted, **9:50**
- Parties, proper, **9:45**
- Prohibited acts relevant to electronic privacy litigation
 - Generally, **9:40**
 - Exceptions to violations, **9:44**
 - Unlawful disclosure of electronic communications in transit by electronic communication service provider, **9:43**
 - Unlawful disclosure or use of intercepted electronic communications, **9:42**
 - Unlawful interception of electronic communications, **9:41**
- Redress for violations, **6:34**
- Remedies, **9:48**
- Social media, state analogs to Federal Wiretap Act and Stored Communications Act, **9:54**
- Special electronic privacy issues, **9:52**
- State analogs to Federal Wiretap Act and Stored Communications Act, **9:53, 9:54**

FEDERAL WIRETAP ACT—Cont'd

- Statute of limitations, **9:47**
- Suppression, evidence, violations, **6:34**
- Unlawful disclosure of electronic communications in transit by electronic communication service provider, **9:43**
- Unlawful disclosure or use of intercepted electronic communications, **9:42**
- Unlawful interception of electronic communications, **9:41**
- Warrants, **6:33**

FEDERAL WIRETAP STATUTES

- Generally, **6:29**
- Electronic Communications Privacy Act (ECPA), this index
- Federal Wiretap Act, this index
- Unlawful interception of wire, oral, electronic communication, **6:30, 9:41**

FIDUCIARY DUTY

- Corporate Security and Privacy Duties, Policies and Forms, this index

FINANCIAL INDUSTRIES

- Banking, Financial and Insurance Industries, this index

FINANCIAL PRIVACY

- Data privacy statutes
 - Generally, **7:22**
 - Gramm-Leach-Bliley Act (GLBA), this index
 - Pre-GLBA protection of consumers' financial information
 - FTC, **7:22**
 - State consumer protection statutes, **7:22**
 - Gramm-Leach-Bliley Act (GLBA), this index

FINGERPRINT IDENTITY VERIFICATION METHODS

- Technical security measures, **3:24**

FINLAND

- Personal data protection law, **14:3**

INDEX

FIREWALLS

- Networks (NISs), security and privacy, **2:13**
- Technical Security Measures, this index

FIRST AMENDMENT

- Privacy litigation, defenses to electronic privacy claims, **9:166**

FLOODING

- Denial-of-service attacks, **1:49**

FLORIDA

- Computer security statutes, **6:66**

FOREIGN ADVERSARIES ACT OF 2024

- Data security statutes, Protecting Americans Data, **6:65**

FOREIGN CYBERTHREATS

- Electronic security risks and need for privacy, **1:18-1:20**

FOREIGN INTELLIGENCE SURVEILLANCE ACT

- Data security statutes, **6:46**

FRANCE

- Personal data protection law, **14:3**

FRAUD

- Computer Fraud and Abuse Act (CFAA), this index
- Criminal Law, this index
- Electronic security risks and need for privacy, fraud on the Internet, **1:7**
- Security Litigation, this index
- Wire fraud. Federal Wire Fraud Statute, this index

FREEDOM OF INFORMATION ACT

- Public records, privacy for personal information in public records, **7:45**

FTC

- Federal Trade Commission, this index

FUTURE OF DATA SECURITY LEGISLATION

- Banking, financial and insurance industries, **13:54**

GENERAL DATA PROTECTION REGULATION

- Generally, **11:1-11:10**
- Liabilities, **11:4**
- Main provisions, **11:3**
- Remedies, **11:4**
- Sanctions, **11:4**
- Scope, **11:3**
- Transfer of personal data outside EU
 - Generally, **11:5**
 - Standard contractual clauses, **11:6**
 - United States, transfers to, **11:7**
 - United States, transfers of personal data to, **11:7**

GENETIC INFORMATION NONDISCRIMINATION ACT

- Health care privacy, **12:75**

GEOLOCATION

- Networks (NISs), security and privacy, **2:21, 2:23**

GEORGIA

- Computer security statutes, **6:66**

GERMANY

- Personal data protection law, **14:3**

GLOBAL PERSONAL DATA PROTECTION LAWS

- Generally, **14:1-14:3**
- Common themes, **14:2**
- Definition of personal data, **14:2**

GOVERNMENT COMPUTERS

- Computer Fraud and Abuse Act (CFAA), this index

GOVERNMENT-DEFENDANT PRIVILEGE

- Privacy litigation, **9:167**
- Sovereign immunity, privacy litigation, **9:167**

GRAMM-LEACH-BLILEY ACT (GLBA)

- Generally, **7:23**

**GRAMM-LEACH-BLILEY ACT
(GLBA)—Cont'd**

- Banking, Financial and Insurance Industries, this index
- Health care privacy, **12:76**
- Nonpublic personal information, **7:24**
- Notice of privacy policy, **7:25**
- Preemption, **7:58**
- Requirements, **7:25**
- Scope, **7:24**

GREECE

- Personal data protection law, **14:3**

GUERNSEY

- Personal data protection law, **14:3**

HACKERS AND HACKING

- Generally, **1:11, 1:12**
- Criminal Law, this index

HARASSMENT

- Criminal Law, this index

HASH FUNCTIONS

- Technical security measures, **3:19**

HAWAII

- Computer security statutes, **6:66**

HEALTH CARE PRIVACY

- Generally, **12:1-12:85**
- Actions and proceedings, Health Insurance Portability and Accountability Act of 1996 (HIPAA), state law claims based on HIPAA violations, **12:73**
- Administrative procedures to guard data integrity, constitutionality, an availability, **12:83**
- Breach, **12:82**
- Breach notification
 - Analysis and obligations, **12:54, 12:55**
 - State statutes, **12:72**
- Business associate, **12:82**
- Business associates under HIPAA privacy regulations, **12:58**
- Condition-specific confidentiality laws, **12:70**
- Covered entity, **12:82**
- Covered functions, **12:82**

HEALTH CARE PRIVACY—Cont'd

- Data privacy statutes
 - Generally, **7:26**
- Disclosure of health information, **7:28**
- Health Insurance Portability and Accountability Act of 1996 (HIPAA), below
 - Information protected, **7:27**
 - Use of health information, **7:28**
- Designated record set, **12:82**
- Disclosure, **12:82**
- Disclosure of health information, **7:28**
- Electronic media, **12:82**
- Family members, **12:82**
- Federal agency enforcement, **12:79**
- Federal statutes
 - Generally, **12:74**
 - Genetic Information Nondiscrimination Act, **12:75**
 - Gramm-Leach-Bliley Act, **12:76**
 - Privacy Act of 1974, **12:78**
 - Substance abuse regulations, **12:77**
- Genetic Information Nondiscrimination Act, **12:75**
- Group health plan, **12:82**
- Health care, **12:82**
- Health care component, **12:82**
- Health care operations, **12:82**
- Health care provider, **12:82**
- Health Insurance Portability and Accountability Act of 1996 (HIPAA)
 - Generally, **7:26, 12:1, 12:81**
 - Abuse proceeding, exception to authorization requirement, **12:18**
 - Access and copy information in designated record set, right to, **12:32**
 - Accounting of disclosures, individual right to, **12:34**
 - Actions and proceedings, state law claims based on HIPAA violations, **12:73**
 - Administrative obligations under HIPAA privacy regulations
 - Generally, **12:42**

HEALTH CARE PRIVACY—Cont'd

- Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 - Administrative obligations under HIPAA privacy regulations—Cont'd
 - Administrative procedures, **12:49**
 - Complaints, **12:52**
 - HITECH Act, breach notification, **12:54, 12:55**
 - Mitigation, **12:53**
 - Physical safeguards, **12:50**
 - Policies, **12:57**
 - Privacy officer, **12:43**
 - Procedures, **12:49, 12:57**
 - Sanctions, **12:56**
 - Security
 - Generally, **12:45, 12:48**
 - Administrative procedures, **12:49**
 - Complaints, **12:52**
 - Electronic protected health information, **12:46**
 - Flexible and scalable, **12:47**
 - Physical safeguards, **12:50**
 - Sanctions, **12:56**
 - Technical security services, **12:51, 12:85**
 - Technical security services, **12:51, 12:85**
 - Training, **12:44**
- Administrative proceedings, exception to authorization requirement, **12:20**
- Amendment or correction, individual right to request, **12:33**
- Authorizations. Uses of protected information under HIPAA privacy regulations, below
- Business associates
 - Definition, **12:82**
- Cadaveric organ, eye or tissue donation, **12:23**
- Communication, individual right to specify how confidential information is communicated, **12:36**

HEALTH CARE PRIVACY—Cont'd

- Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 - Complaints, **12:52**
 - Compliance, standards for full compliance, **7:30**
 - Consents vs. authorizations. Uses of protected information under HIPAA privacy regulations, below
 - Decedents' information, exception to authorization requirement, **12:22**
 - Domestic violence, exception to authorization requirement, **12:18**
 - Enforcement of HIPAA privacy regulations, **12:66**
 - Entities covered under HIPAA
 - Generally, **12:3**
 - Covered health care providers, **12:6, 12:82**
 - Definition, covered entity, **12:82**
 - Health care clearinghouses, **12:5, 12:82**
 - Health plans, **12:4, 12:82**
 - Fundraising under HIPAA privacy regulations, **12:65**
 - Government functions, exception to authorization requirement, **12:26**
 - Group health plans
 - Definitions, **12:82**
 - Obligations of HIPAA privacy regulations, **12:81**
 - Special requirements for group health plans under HIPAA privacy regulations, **12:62**
 - Health care, **12:6, 12:82**
 - Health care clearinghouses, **12:5, 12:82**
 - Health care operations
 - Generally, **12:13**
 - Third party, uses and disclosures, **12:14**
 - Health oversight activities, exception to authorization requirement, **12:19**

HEALTH CARE PRIVACY—Cont'd

Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 HITECH Act, **7:32**
 Individual rights under HIPAA privacy regulations
 Generally, **7:29, 12:31**
 Access and copy information in designated record set, right to, **12:32**
 Accounting of disclosures, right to, **12:34**
 Amendment or correction, right to request, **12:33**
 Communication, right to specify how confidential information is communicated, **12:36**
 Restriction, right to request, **12:35**
 Information covered under HIPAA privacy regulations
 Generally, **12:7**
 De-identified information, **12:8, 12:9**
 Limited data set, **12:9**
 Judicial proceedings, exception to authorization requirement, **12:20**
 Law enforcement purposes, exception to authorization requirement, **12:21**
 Marketing under HIPAA privacy regulations, **12:64, 12:82**
 Minimum-necessary standard under HPIAA privacy regulations, **12:41**
 Neglect proceedings, exception to authorization requirement, **12:18**
 Notice requirement under HIPAA privacy regulations
 Generally, **12:37**
 Dissemination of notice and written acknowledgment of receipt, **12:40**
 Required elements, **12:38**
 Revisions to notice, **12:39**

HEALTH CARE PRIVACY—Cont'd

Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 Opportunity to agree or object, **12:28**
 Organ, eye or tissue donation, exception to authorization requirement, **12:23**
 Organizational rules under HPIAA privacy regulations
 Affiliated covered entities, **12:60**
 Hybrid entities, **12:59**
 Organized health care arrangements, **12:61, 12:82**
 Patients' rights. Individual rights under HIPAA privacy regulations, above
 Payment, **12:12, 12:82**
 Penalties, **7:31**
 Physical safeguards, **12:50**
 Policies, **12:57**
 Preemption, **7:58**
 Privacy officer, **12:43**
 Procedures, **12:49, 12:57**
 Public health activities, exception to authorization requirement, **12:17**
 Regulations, privacy
 Generally, **12:2, 12:81**
 Administrative obligations under HIPAA privacy regulations, above
 Definitions, **12:82**
 Enforcement of HIPAA privacy regulations, **12:66**
 Entities covered under HIPAA, above
 Fundraising under HIPAA privacy regulations, **12:65**
 Group health plans, special requirements for group health plans under HIPAA privacy regulations, **12:62**
 Health care, **12:6**
 Individual rights under HIPAA privacy regulations, above

INDEX

HEALTH CARE PRIVACY—Cont'd

- Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 - Regulations, privacy—Cont'd
 - Information covered under HIPAA privacy regulations, above
 - Marketing under HIPAA privacy regulations, **12:64**
 - Minimum-necessary standard under HIPAA privacy regulations, **12:41**
 - Notice requirement under HIPAA privacy regulations, above
 - Organizational rules under HIPAA privacy regulations, above
 - Research under HIPAA privacy regulations, **12:63**
 - Uses of protected information under HIPAA privacy regulations, below
- Required-by-law disclosures, **12:15**
- Research under HIPAA privacy regulations
 - Generally, **12:63**
 - Exception to authorization requirement, **12:24**
- Restriction, individual right to request, **12:35**
- Sanctions, **12:56**
- Security. Administrative obligations under HIPAA privacy regulations, above
- State law claims based on HIPAA violations, **12:73**
- Threat to health or safety, exception to authorization requirement, **12:25**
- Treatment, **12:11, 12:82**
- Uses of protected information under HIPAA privacy regulations
 - Generally, **12:10**
 - Abuse proceeding, exception to authorization requirement, **12:18**

HEALTH CARE PRIVACY—Cont'd

- Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 - Uses of protected information under HIPAA privacy regulations—Cont'd
 - Administrative proceedings, exception to authorization requirement, **12:20**
 - Authorizations. Consents vs. authorizations, below
 - Cadaveric organ, eye or tissue donation, **12:23**
 - Decedents' information, exception to authorization requirement, **12:22**
 - Domestic violence, exception to authorization requirement, **12:18**
- Exceptions to authorization requirement, other
 - Generally, **12:16**
 - Abuse proceeding, **12:18**
 - Administrative proceedings, **12:20**
 - Cadaveric organ, eye or tissue donation, **12:23**
 - Decedents, **12:22**
 - Domestic violence, **12:18**
 - Government functions, specialized, **12:26**
 - Health oversight activities, **12:19**
 - Judicial proceedings, **12:20**
 - Law enforcement purposes, **12:21**
 - Neglect proceedings, **12:18**
 - Organ, eye or tissue donation, **12:23**
 - Public health activities, **12:17**
 - Research, **12:24**
 - Threat to health or safety, **12:25**
 - Workers' compensation, **12:27**
- Government functions, exception to authorization requirement, **12:26**

HEALTH CARE PRIVACY—Cont'd

- Health Insurance Portability and Accountability Act of 1996 (HIPAA)—Cont'd
 - Uses of protected information under HIPAA privacy regulations—Cont'd
 - Health care operations
 - Generally, **12:13**
 - Third Party, uses and disclosures, **12:14**
 - Health oversight activities, exception to authorization requirement, **12:19**
 - Incidental uses and disclosures
 - Generally, **12:29**
 - Authorization requirement, **12:30**
 - Judicial proceedings, exception to authorization requirement, **12:20**
 - Law enforcement purposes, exception to authorization requirement, **12:21**
 - Neglect proceedings, exception to authorization requirement, **12:18**
 - Organ, eye or tissue donation, exception to authorization requirement, **12:23**
 - Payment, **12:12, 12:82**
 - Public health activities, exception to authorization requirement, **12:17**
 - Required by law, **12:15**
 - Research, exception to authorization requirement, **12:24**
 - Threat to health or safety, exception to authorization requirement, **12:25**
 - Treatment, **12:11, 12:82**
 - Workers' compensation, exception to authorization requirement, **12:27**
 - Workers' compensation, exception to authorization requirement, **12:27**
 - HITECH Act, **7:32**
 - HITECH Act, breach notification under, **12:54, 12:55**

HEALTH CARE PRIVACY—Cont'd

- Hybrid entity, **12:82**
- Indirect treatment relationships, **12:82**
- Information protected, **7:27**
- Marketing, **12:82**
- Organized health care arrangement, **12:82**
- Payment, **12:82**
- Physical safeguards to guard data integrity, constitutionality, an availability, **12:84**
- Plan administrative functions, **12:82**
- Privacy Act of 1974, **12:78**
- Privileges, **12:69**
- Protected health information, **12:82**
- Psychotherapy notes, **12:82**
- Regulation by user, **12:68**
- State law claims based on HIPAA violations, **12:73**
- State statutes
 - Generally, **12:67**
 - Breach notification under, **12:72**
 - Comprehensive state privacy laws, **12:71**
 - Condition-specific confidentiality laws, **12:70**
 - Privileges, **12:69**
 - Regulation by user, **12:68**
- Subcontractor, **12:82**
- Substance abuse regulations, **12:77**
- Summary health information, **12:82**
- Technical security services to guard data integrity, constitutionality, an availability, **12:85**
- Transaction, **12:82**
- Treatment, **12:82**

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Health Care Privacy, this index

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

Banking, financial and insurance industries, **13:48**

INDEX

HEURISTIC-BASED INTRUSION DETECTION SYSTEMS

Technical security measures, **3:38**

HITECH ACT

Breach notification under, **12:54, 12:55**

Corporate security and privacy duties, policies and forms, **10:43, 10:44**

Health care privacy, **7:32**

HIT-MEN

Generally, **1:13**

HOAXES

Cyberattack hoaxes, **1:47**

HOMELAND SECURITY ACT OF 2002

Data security statutes, **6:47**

HONDURAS

Personal data protection law, **14:3**

HONEYPOTS

Technical security measures, **3:13**

HONG KONG

Personal data protection law, **14:3**

HTML

Generally, **2:9**

HUNGARY

Personal data protection law, **14:3**

IDAHO

Computer security statutes, **6:66**

IDENTITY THEFT

Generally, **1:7**

Banking, financial and insurance industries, **13:41**

ILLINOIS

Computer security statutes, **6:66**

INCIDENT AND INCIDENT RESPONSE

Corporate risk management, this index

INCIDENT/INCIDENT RESPONSE FLOW

Corporate risk management, **5:76**

INDIA

Personal data protection law, **14:3**

INDIANA

Computer security statutes, **6:66**

INDONESIA

Personal data protection law, **14:3**

INFORMATION SYSTEM SECURITY INCIDENT RESPONSE

Corporate risk management, this index

INFORMATION SYSTEMS

Corporate risk management, **5:66**

INFOWARFARE

Generally, **1:5**

INFRASTRUCTURE ATTACKS

Generally, **1:50**

INITIATIVES

European Laws and Initiatives, this index

INSURANCE

Cyber losses. Insurance Coverage for Cyber Losses, this index

Health Insurance Portability and Accountability Act of 1996.
Health Care Privacy, this index

Insurance industry. Banking,
Financial and Insurance
Industries, this index

INSURANCE COVERAGE FOR CYBER LOSSES

Coverage

First-party policies, below

Issues and considerations regarding elements of coverage

Occurrence, below

Triggers, below

First-party policies, below

**INTERAGENCY GUIDELINES
ESTABLISHING STANDARDS
FOR SAFEGUARDING
CUSTOMER INFORMATION**

Banking, financial and insurance
industries, **13:51**

**INTERNATIONAL
CYBERTHREATS**

Clarifying Lawful Overseas Use of
Data (CLOUD) Act, **6:37**
Electronic security risks and need for
privacy, **1:18-1:20**

INTERNATIONAL LAW

European Laws and Initiatives, this
index

INTERNET

Internet Protocol version six (IPv6),
3:40
Networks (NISs), Security and
Privacy, this index
Online Privacy, this index

INTERNET OF THINGS

Corporate risk management
Emerging issues, **5:83**

**INTERNET PROTOCOL VERSION
SIX (IPV6)**

Technical security measures, **3:40**

INTER-NETWORKS

Networks, security and privacy, **2:14**

INTRANET

Networks, security and privacy, **2:14**

**INTRUSION DETECTION
SYSTEMS**

Technical Security Measures, this
index

INVASION OF PRIVACY

Privacy Litigation, this index

**IOT CYBERSECURITY
IMPROVEMENT ACT**

2020, **6:60**

IOWA

Computer security statutes, **6:66**

IRELAND

Personal data protection law, **14:3**

ISRAEL

Personal data protection law, **14:3**

ITALY

Personal data protection law, **14:3**

JAMMING

Denial-of-service attacks, **1:49**

JAPAN

Personal data protection law, **14:3**

JERSEY

Personal data protection law, **14:3**

JURISDICTION

Children's Online Privacy Protection
Act (COPPA), **9:90**
Security litigation, **8:2-8:4**
Telephone Consumer Protection Act
(TCPA), **9:80**
Video Privacy Protection Act
(VPPA), **9:98**

**K-12 CYBERSECURITY ACT OF
2021**

Data security statutes, **6:61**

KANSAS

Computer security statutes, **6:66**

KENTUCKY

Computer security statutes, **6:66**

KERBEROS

System identification verification,
3:20

KEY ESCROW

Encryption, this index

KOSOVO

Personal data protection law, **14:3**

LANS

Networks, security and privacy, **2:14**

LATVIA

Personal data protection law, **14:3**

LAW

Criminal law. Criminal Statutes and
Case Law, this index

INDEX

LAW—Cont'd

- European Laws and Initiatives, this index
- Privacy. Data Privacy Statutes, this index
- Security. Data Security Statutes, this index

LAW ENFORCEMENT

- Computer Fraud and Abuse Act (CFAA), lack of effect on law enforcement, **6:22**

LIECHTENSTEIN

- Personal data protection law, **14:3**

LITHUANIA

- Personal data protection law, **14:3**

LITIGATION

- Data privacy statute enforcement, **7:12**
- Privacy Litigation, this index
- Security Litigation, this index

LOGIC-BOMB TROJAN HORSES

- Generally, **1:45**

LOUISIANA

- Computer security statutes, **6:66**

LUXEMBOURG

- Personal data protection law, **14:3**

MACAU

- Personal data protection law, **14:3**

MACEDONIA

- Personal data protection law, **14:3**

MACRO VIRUSES

- Generally, **1:40**
- Example of code, **1:51**

MAINE

- Computer security statutes, **6:66**

MALAYSIA

- Personal data protection law, **14:3**

MALTA

- Personal data protection law, **14:3**

MALWARE

- Networks (NISs), security and privacy, **2:25**

MARYLAND

- Computer security statutes, **6:66**

MASSACHUSETTS

- Computer security statutes, **6:66**

MAURITIUS

- Personal data protection law, **14:3**

MEDICAL DEVICES

- Networks (NISs), security and privacy, **2:24**

MEXICO

- Personal data protection law, **14:3**

MICHIGAN

- Computer security
 - Regulations, **6:67**
 - Statutes, **6:66**

MINNESOTA

- Computer security statutes, **6:66**

MINORS

- Children, this index

MISREPRESENTATION

- Fraud, this index

MISSISSIPPI

- Computer security statutes, **6:66**

MISSOURI

- Computer security statutes, **6:66**

MOBILE APPS

- Privacy litigation, **9:156**

MOBILE DEVICES

- Corporate risk management
 - Emerging issues, **5:80**

MOLDOVA

- Personal data protection law, **14:3**

MONACO

- Personal data protection law, **14:3**

MONTANA

- Computer security statutes, **6:66**

MOROCCO

Personal data protection law, **14:3**

MOTOR VEHICLES

Networks (NISSs), security and privacy, **2:23**

NARUSINSIGHT

Automated e-mail interception system, privacy issues, **1:60**

NATIONAL COMPUTER CRIME SQUAD

Third-party systems, damage caused to, **10:30**

NATIONAL SECURITY VIOLATIONS

Computer Fraud and Abuse Act (CFAA), this index

NATIONAL STOLEN PROPERTY ACT

Generally, **6:52**
Application, **6:53**
Criminal penalties, **6:54**

NEBRASKA

Computer security statutes, **6:66**

NEGLIGENCE

Security Litigation, this index

NETHERLANDS

Personal data protection law, **14:3**

NETWORK ADDRESS TRANSLATION (NAT)

External security measures, **3:8**

NETWORK RISK INSURANCE

Insurance Coverage for Cyber Losses, this index

NETWORKS (NISS), SECURITY AND PRIVACY

Generally, **2:1-2:27**
Aircraft, **2:23**
Browsers, **2:9**
Cellular telephones
Malware, **2:16**
Scams, **2:16**
Spam, **2:17**
Classifications of networks, **2:14**

NETWORKS (NISS), SECURITY AND PRIVACY—Cont'd

Cloud computing and data storage, **2:20**
Cost assessments, cyberattacks and privacy, **2:5**
Cyberattacks
Generally, **2:3**
Cost assessments, **2:5**
Extranet, **2:14**
Firewalls, **2:13**
Geolocation, **2:21, 2:23**
Hardware, **2:13**
History of NISSs
Generally, **2:7**
Birth of Internet, **2:8**
Emergence of World Wide Web, **2:9**
HTML, **2:9**
Internet
Birth of Internet, **2:8**
Future, **2:10**
Wireless LANs, **2:14**
Inter-networks, **2:14**
Intranet, **2:14**
LANs, **2:14**
Malware, **2:25**
Medical devices, **2:24**
Motor vehicles, **2:23**
New technologies
Generally, **2:15-2:23**
Aircraft, **2:23**
Cellular telephone malware and scams, **2:16**
Cellular telephone spam, **2:17**
Cloud computing and data storage, **2:20**
Geolocation, **2:21, 2:23**
Malware, **2:25**
Medical devices, **2:24**
Motor vehicles, **2:23**
Preinstalled malware, **2:25**
Radio-frequency identification (RFID), **2:19**
Smart grids, **2:22**
Trains, **2:23**
Vehicles, **2:23**

INDEX

NETWORKS (NISS), SECURITY AND PRIVACY—Cont'd

- New technologies—Cont'd
 - Voice-over-Internet Protocol (VoIP), **2:18**
- Next-generation online tracking tools
 - Super cookies, **2:26**
 - Third-party online security options, **2:26**
 - Vendor provided online security options, **2:26**
- Preinstalled malware, **2:25**
- Privacy issues
 - Generally, **2:4**
 - Cost assessments, **2:5**
- Protocols, **2:13**
- Radio-frequency identification (RFID), **2:19**
- Railroads, **2:23**
- Relationships, **2:12**
- Semantic Web Activity, **2:9**
- Smart grids, **2:22**
- Software, **2:13**
- Super cookies, **2:26**
- Technical security measures, **3:12**
- Technical Security Measures, this index
- Technological overview of networks (NISSs)
 - Generally, **2:6**
 - Browsers, **2:9**
 - Classifications of networks, **2:14**
 - Extranet, **2:14**
 - Firewalls, **2:13**
 - Hardware, **2:13**
 - History of NISSs, above
 - Internet, **2:8**
 - Inter-networks, **2:14**
 - Intranet, **2:14**
 - LANs, **2:14**
 - Operation of NISSs
 - Generally, **2:11**
 - Classifications of networks, **2:14**
 - Extranet, **2:14**
 - Firewalls, **2:13**
 - Hardware, **2:13**
 - Inter-networks, **2:14**
 - Intranet, **2:14**

NETWORKS (NISS), SECURITY AND PRIVACY—Cont'd

- Technological overview of networks (NISSs)—Cont'd
 - Operation of NISSs—Cont'd
 - LANs, **2:14**
 - Protocols, **2:13**
 - Relationships, **2:12**
 - Software, **2:13**
 - Topologies, **2:12**
 - WANs, **2:14**
 - Protocols, **2:13**
 - Relationships, **2:12**
 - Software, **2:13**
 - Topologies, **2:12**
 - WANs, **2:14**
 - World Wide Web, **2:9**
- Third-party online security options, **2:26**
- Topologies, **2:12**
- Trains, **2:23**
- Vehicles, **2:23**
- Vendor provided online security options, **2:26**
- Voice-over-Internet Protocol (VoIP), **2:18**
- Vulnerability, increasing vulnerability of networks, **2:2**
- WANs, **2:14**
- Wireless LANs, **2:14**
- World Wide Web
 - Emergence, **2:9**
 - Future, **2:10**

NEVADA

- Computer security statutes, **6:66**

NEW HAMPSHIRE

- Computer security statutes, **6:66**

NEW JERSEY

- Computer security statutes, **6:66**

NEW MEXICO

- Computer security statutes, **6:66**

NEW YORK

- Computer security
 - Regulations, **6:67**
 - Statutes, **6:66**

NEW ZEALAND

Personal data protection law, **14:3**

NO ELECTRONIC THEFT ACT OF 1997 (NET)

Generally, **6:51**

NORTH CAROLINA

Computer security statutes, **6:66**

NORTH DAKOTA

Computer security statutes, **6:66**

NORWAY

Personal data protection law, **14:3**

NOTICE

Security Breach Notification, this index

NOTICE-OF-BREACH LAWS

Causation, **9:110**

Duty of care, **9:108**

Federal and state laws, **9:107**

Standing, **9:109**

State laws, **9:106**

OHIO

Computer security statutes, **6:66**

OKLAHOMA

Computer security statutes, **6:66**

ONLINE PRIVACY

Children's Privacy. Children's Online Privacy Protection Act (COPPA), this index

Data privacy statutes

Federal Trade Commission Act, Section 5, **7:18**

FTC Internet-specific privacy proposals, **7:19**

FTC Red Flag rules, **7:20**

Phishing (Proposed legislation), **7:21**

Spyware (Proposed legislation), **7:21**

Federal Trade Commission Act, Section 5, **7:18**

FTC Internet-specific privacy proposals, **7:19**

FTC Red Flag Rules, **7:20**

ONLINE PRIVACY—Cont'd

Online Privacy Protection Act of 2001 (Proposed). Data privacy statutes, above

Red Flag Rules for the FTC, **7:20**

ONLINE PRIVACY PROTECTION ACT OF 2001 (PROPOSED)

Online Privacy, this index

OREGON

Computer security statutes, **6:66**

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

Guidelines

Protection of privacy and transborder flows of personal data, **11:10**

Security of information systems and networks, **11:15**

Recommendations, digital security risk management for economic and social prosperity, **11:16**

PAKISTAN

Personal data protection law, **14:3**

PALM IDENTITY-VERIFICATION METHODS

Technical security measures, **3:29**

PANAMA

Personal data protection law, **14:3**

PARAGUAY

Personal data protection law, **14:3**

PARTIES

Children's Online Privacy Protection Act (COPPA), **9:89**

Video Privacy Protection Act (VPPA), **9:97**

PASSWORDS

Electronic Security Risks and Need for Privacy, this index

Trafficking. Computer Fraud and Abuse Act (CFAA), this index

“PATTERN OR PRACTICE” REQUIREMENT

CAN-SPAM Act (Controlling the Assault of Non-solicited

INDEX

“PATTERN OR PRACTICE”

REQUIREMENT—Cont’d

Pornography and Marketing Act of 2003), **9:60**

PEER-TO-PEER (P2P)

FILE-SHARING CONTEXT

Privacy litigation, discovery, **9:179**

PEN REGISTERS AND TRAP AND TRACE DEVICES

Electronic Communications Privacy Act (ECPA) , this index

PENNSYLVANIA

Computer security statutes, **6:66**

PEOPLE’S REPUBLIC OF CHINA (PRC)

Electronic security risks and need for privacy, **1:19**

PERPETRATORS

Electronic Security Risks and Need for Privacy, this index

PERSONAL JURISDICTION

Security litigation, **8:3**

PERSONALLY IDENTIFIABLE INFORMATION

Personal identity verification methods. Technical Security Measures, this index
Video Privacy Protection Act (VPPA), **9:92 to 9:105**

PERU

Personal data protection law, **14:3**

PHILIPPINES

Personal data protection law, **14:3**

PHREAKERS

Generally, **1:17**

PLEADINGS

Computer Fraud and Abuse Act (CFAA), **9:20**

POLAND

Personal data protection law, **14:3**

PORNOGRAPHY

CAN-SPAM Act (Controlling the Assault of Non-solicited Pornography and Marketing Act of 2003), this index

PORTUGAL

Personal data protection law, **14:3**

PREDICATES FOR VIOLATIONS

CAN-SPAM Act (Controlling the Assault of Non-solicited Pornography and Marketing Act of 2003), **9:58**

PREEMPTION

Data privacy statutes , interaction between federal and state statutes, **7:58**
Privacy litigation, **9:169**
Telephone Consumer Protection Act (TCPA), **9:83**

PREINSTALLED MALWARE

Networks (NISs), security and privacy, **2:25**

PRIVACY

Corporate Security and Privacy Duties, Policies and Forms, this index
Data Privacy Statutes, this index
Encryption, this index
Health Care Privacy, this index
Invasion of privacy. Privacy Litigation, this index
Litigation. Privacy Litigation, this index
Measures, privacy. Encryption, this index
Need for privacy. Electronic Security Risks and Need for Privacy, this index
Networks (NISs), Security and Privacy, this index
Security risks. Electronic Security Risks and Need for Privacy, this index
Statutes. Data Privacy Statutes, this index
Technical privacy measures. Encryption, this index

PRIVACY—Cont'd

- Telephone Consumer Protection Act (TCPA), this index
- Video Privacy Protection Act (VPPA), this index

PRIVACY ACT OF 1974

- Health care privacy, **12:78**

PRIVACY ACT OF 1994

- Public records, privacy for personal information in public records, **7:46**

PRIVACY LITIGATION

- Generally, **9:1-9:182**
- Anonymous plaintiff, **9:181**
- Article III standing, **9:165**
- Breach of contract
 - Generally, **9:111-9:122**
 - Court, proper, **9:115**
 - Defenses, **9:113**
 - Elements of breach-of-contract claim, **9:112**
 - Employer policies on employee e-mail, computer and Internet use, **9:122**
- Enforceability of privacy policies or terms-of-use statements
 - Generally, **9:118**
 - Consideration, **9:120**
 - Employer policies on employee e-mail, computer and Internet use, **9:122**
 - Liability for prohibited transfer of customer data, **9:121**
 - Mutual assent, **9:119**
- Liability for prohibited transfer of customer data, **9:121**
- Parties, proper, **9:114**
- Privacy policies, enforceability of. enforceability of privacy policies or terms-of-use statements, above
- Remedies, **9:117**
- Statute of limitations, **9:116**
- Terms-of-use statements, enforceability of. enforceability of privacy policies or terms-of-use statements, above

PRIVACY LITIGATION—Cont'd

- California Consumer Privacy Act of 2018, **9:134**
- CAN-SPAM Act (Controlling the Assault of Non-solicited Pornography and Marketing Act of 2003), this index
- Causation in data breach cases, **9:110**
- Class certification, standing, waivers, and settlement, **9:182**
- Communications Decency Act of 1996 (CDA). Defenses to electronic privacy claims, below
- Computer Fraud and Abuse Act (CFAA), this index
- Constitutional claims for invasion of privacy. invasion of privacy, below
- Data breach laws, federal and state, **9:107**
- Data protection, state statutory claims
 - California Consumer Privacy Act of 2018, **9:134**
 - legislation, **9:135**
- Defenses, **9:129**
- Defenses to electronic privacy claims
 - Communications Decency Act of 1996 (CDA)
 - Generally, **9:158-9:167**
 - Defending party must be provider or user of interactive computer service, **9:160**
 - Defending party must not be information content provider of information giving rise to cause of action, **9:161**
 - Defense, **9:159**
 - Distributor liability for third-party content, **9:163**
 - Information content provider, **9:161**
 - Interactive computer service, **9:160**
 - Limits of defense, **9:164**
 - Publisher liability for third-party content, **9:162**
- Consent, **9:158**
- First Amendment, **9:166**

INDEX

PRIVACY LITIGATION—Cont'd

- Defenses to electronic privacy claims—Cont'd
 - Government-defendant privilege, **9:167**
 - No expectancy of privacy, **9:158**
 - State secrets privilege, **9:167**
 - Waiver, **9:158**
- Discovery
 - Generally, **9:177**
 - Anonymous plaintiff suing
 - anonymous defendant, **9:181**
 - own identity disclosure, **9:181**
 - Identified plaintiff seeking disclosure of identity of anonymous defendant
 - Peer-to-peer (P2P) file-sharing context, **9:179**
 - Various contexts, **9:178**
 - Identified plaintiff seeking disclosure of identity of anonymous non-party witness, **9:180**
 - Peer-to-peer (P2P) file-sharing context, **9:179**
- Duty of care in data breach cases, **9:108**
- E-mail, employer policies on employee e-mail, computer and Internet use, **9:122**
- Employers and employees
 - E-mail, employer policies on employee e-mail, computer and Internet use, **9:122**
 - Employer policies on employee e-mail, computer and Internet use, **9:122**
 - Invasion of privacy, employer monitoring of employee e-mails, internet usage and social media activity, **9:134**
- Fair and Accurate Credit Transactions Act of 2003 (FACTA), this index
- Fair Credit Reporting Act (FCRA), this index
- Federal data breach laws, **9:107**
- Federal Wiretap Act, this index

PRIVACY LITIGATION—Cont'd

- First Amendment defenses to electronic privacy claims, **9:166**
- Government-defendant privilege, **9:167**
- Invasion of privacy
 - Generally, **9:123-9:134**
 - Common law invasion of privacy, generally, **9:126**
 - Constitutional claims for invasion of privacy
 - Generally, **9:124**
 - Elements of claim, **9:125**
 - Court, proper, **9:131**
 - Defenses, **9:129**
 - Employer monitoring of employee e-mails, internet usage and social media activity, **9:134**
 - Parties, proper, **9:130**
 - Private affairs, elements of claim for intrusion into plaintiff's solitude or private affairs, **9:127**
 - Publication of private facts, elements of claim for, **9:128**
 - Remedies, **9:133**
 - Solitude, elements of claim for intrusion into plaintiff's solitude or private affairs, **9:127**
 - Statute of limitations, **9:132**
- Jurisdiction
 - Personal jurisdiction, **9:170**
 - Subject matter jurisdiction, **9:169**
- Little FTC Acts. State unfair competition statutes, below
- Mobile apps, **9:156**
- Notice-of-breach laws, state, **9:106**
- Peer-to-peer (P2P) file-sharing context, **9:179**
- Preemption, **9:169**
- Preliminary injunction motions, **9:176**
- Procedure
 - Generally, **9:168**
 - Article III standing, **9:165**
 - Class certification, standing, waivers, and settlement, **9:182**

PRIVACY LITIGATION—Cont'd

Procedure—Cont'd

Discovery

Generally, **9:177**

Anonymous plaintiff suing
anonymous defendant, **9:181**
own identity disclosure, **9:181**

Identified plaintiff seeking
disclosure of identity of
anonymous defendant,
9:178

Identified plaintiff seeking
disclosure of identity of
anonymous non-party wit-
ness, **9:180**

Motions to dismiss, **9:174**

Personal jurisdiction, **9:170**

Preemption, **9:169**

Preliminary injunction motions,
9:176

Settlements with government,
9:173

Standing, **9:171**

Article III standing, **9:165**

Subject matter jurisdiction, **9:169**

Summary judgment motions,
9:174

Transfer motions, **9:172**

Security breach notification

Causation, **9:110**

Duty of care, **9:108**

Federal and state data breach laws,
9:107

Standing, **9:109**

State notice-of-breach laws, **9:106**

Settlements with government, **9:173**

Social media, **9:134, 9:157**

Standing

Article III standing, **9:165**

Data breach cases, **9:109**

Procedure, **9:165, 9:171**

State data breach laws, **9:107**

State notice-of-breach laws, **9:106**

State privacy legislation, **9:135**

State secrets privilege, **9:167**

State unfair competition statutes

Generally, **9:137-9:143**

Defenses, **9:138**

PRIVACY LITIGATION—Cont'd

State unfair competition statutes
—Cont'd

Remedies, **9:139**

Stored Communications Act, this
index

Subject matter jurisdiction, **9:169**

Summary judgment motions, **9:174**

Unfair competition. State unfair com-
petition statutes, above

PROOF

Evidence, this index

**PROTECTING AMERICAN
INTELLECTUAL PROPERTY
ACT OF 2022**

Data security statutes, **6:64**

PROTOCOLS

Encryption, this index

Networks, security and privacy, **2:13**

QATAR

Personal data protection law, **14:3**

**RADIO-FREQUENCY
IDENTIFICATION (RFID)**

Networks (NISs), security and
privacy, **2:19**

RAILROADS

Networks (NISs), security and
privacy, **2:23**

RANSOMWARE

Methods and tools, electronic secu-
rity risks and need for privacy,
1:46

RECORD KEEPING

Security litigation, **8:12**

REPORTS

Electronic Communications Privacy
Act, pen registers and trap and
trace devices, **6:45**

REPUBLIC OF KOREA

Personal data protection law, **14:3**

RESPONSE METHODOLOGY

Corporate risk management, incident
response, **5:69-5:76**

INDEX

RESTRICTED UNIVERSE

CAN-SPAM Act (Controlling the Assault of Non-solicited Pornography and Marketing Act of 2003), **9:68**

RETINA IDENTITY

VERIFICATION METHODS

Technical security measures, **3:27**

RHODE ISLAND

Computer security statutes, **6:66**

RISK MANAGEMENT

Corporate Risk Management, this index

RISKS

Corporate Risk Management, this index

Cyber losses. Insurance Coverage for Cyber Losses, this index

Electronic Security Risks and Need for Privacy, this index

ROMANIA

Personal data protection law, **14:3**

ROUTERS

Technical security measures, alternatives to firewalls, **3:11**

RUSSIA

Electronic security risks and need for privacy, **1:20**

RUSSIAN FEDERATION

Personal data protection law, **14:3**

SAFEGUARDS

Banking, financial and insurance industries, **13:51**

Health care privacy, **12:50, 12:84**

SAINT LUCIA

Personal data protection law, **14:3**

SAN MARINO

Personal data protection law, **14:3**

SCRAPING OF DATA

Computer Fraud and Abuse Act (CFAA), **9:10**

SEARCH WARRANTS

Federal Wiretap Act, **6:33**

Stored Communications Act, **9:35**

SECONDARY LIABILITY

CAN-SPAM Act (Controlling the Assault of Non-solicited Pornography and Marketing Act of 2003), **9:69**

Computer Fraud and Abuse Act (CFAA), **9:21**

SECRET SERVICE

Computer Fraud and Abuse Act (CFAA), authority of Secret Service, **6:20**

SECURITIES AND EXCHANGE COMMISSION (SEC)

Disclosures to shareholders, **10:4 to 10:7**

Enforcement, security litigation, **8:55**

SECURITY

Corporate Security and Privacy Duties, Policies and Forms, this index

Electronic Security Risks and Need for Privacy, this index

Insurance Coverage for Cyber Losses, this index

Litigation. Security Litigation, this index

Measures, security. Technical Security Measures, this index

Networks, Security and Privacy, this index

Risks. Electronic Security Risks and Need for Privacy, this index

Statutes. Data Security Statutes, this index

Technical Security Measures, this index

SECURITY BREACH NOTIFICATION

California

Data security breach notification, **7:11**

Corporate security and privacy duties, third-party policies and forms, **10:41-10:44**

SECURITY BREACH

NOTIFICATION—Cont'd

Data privacy statutes, security breach notification, state initiatives, **7:62**

State privacy laws, **12:72**

SECURITY LITIGATION

Generally, **8:1 et seq.**

Anonymous parties, personal jurisdiction, **8:3**

Breach of contract

Generally, **8:26**

Damages, **8:29**

Defenses, **8:30**

Elements, **8:27**

Implied contract, **8:28**

Computer Fraud and Abuse Act (CFAA), this index

Computer malpractice, **8:38**

Contract breach. Breach of contract, above

Conversion

Generally, **8:18**

Damages, **8:20**

Elements, **8:19**

Survey of caselaw, **8:21**

Copyright infringement

Generally, **8:44**

Remedies, **8:45**

Cyberattacks, shareholder derivative lawsuits, **8:56**

Damages

Breach of contract, **8:29**

Conversion, **8:20**

Fraud/misrepresentation, **8:24**

Negligence, **8:33**

Trade secret misappropriation, **8:41**

Trespass to personal property/chattels, **8:15**

Defenses

Breach of contract, **8:30**

Fraud/misrepresentation, **8:25**

Negligence, **8:34**

Trade secret misappropriation, **8:42**

Trespass to personal property/chattels, **8:16**

SECURITY LITIGATION—Cont'd

Digital Millennium Copyright Act, this index

Fraud/misrepresentation

Generally, **8:22**

Damages, **8:24**

Defenses, **8:25**

Elements, **8:23**

Implied contract breach, **8:28**

Internet service providers, negligence, **8:36**

Jurisdiction, **8:3**

Generally, **8:2**

Malpractice, computer, **8:38**

Misrepresentation. Fraud/misrepresentation, above

Negligence

Generally, **8:31**

Damages, **8:33**

Defenses, **8:34**

Elements, **8:32**

Internet service providers, **8:36**

Standard of care, development of framework for assessing, **8:37**

Third-party liability

Generally, **8:35**

Internet service providers, **8:36**

Personal jurisdiction, **8:3**

Pseudonymous parties, personal jurisdiction, **8:3**

Record keeping, **8:12**

Securities and Exchange Commission (SEC) enforcement, **8:55**

Shareholder derivative lawsuits, cyberattacks, **8:56**

Spyware and Adware, **8:54**

Standard of care, development of framework for assessing, **8:37**

Standing, **8:4**

Stored communications, **8:11**

Survey of caselaw

Conversion, **8:21**

Trespass to personal property/chattels, **8:17**

Third-party liability. Negligence, above

Trade secret misappropriation
Generally, **8:39**

INDEX

SECURITY LITIGATION—Cont'd

Trade secret misappropriation
—Cont'd

Damages, **8:41**

Defenses, **8:42**

Elements, **8:40**

Remedies, **8:43**

Trespass to personal property/chattels

Generally, **8:13**

Damages, **8:15**

Defenses, **8:16**

Elements, **8:14**

Survey of caselaw, **8:17**

SECURITY MEASURES

Technical Security Measures, this
index

SEMANTIC WEB ACTIVITY

Networks (NISs), security and
privacy, **2:9**

SENEGAL

Personal data protection law, **14:3**

SERBIA

Personal data protection law, **14:3**

SEYCHELLES

Personal data protection law, **14:3**

SHRINK-WRAP AGREEMENTS

Generally, **10:32**

SIGNATURE IDENTITY

VERIFICATION METHODS

Technical security measures, **3:25**

SLOVAKIA

Personal data protection law, **14:3**

SLOVENIA

Personal data protection law, **14:3**

SNIFFING

Generally, **1:27**

SNOOPING AND DOWNLOADING

Generally, **1:33**

SOCIAL MEDIA

Corporate risk management, emerg-
ing issues, **5:82**

SOCIAL MEDIA—Cont'd

Corporate security and privacy
duties, policies and forms, **10:51**

Employee privacy, **9:134**

Federal Wiretap Act, state analogs to
Federal Wiretap Act and Stored
Communications Act, **9:54**

Invasion of privacy, employer moni-
toring of employees, **9:134**

Privacy litigation, **9:134, 9:157**

State analogs to Federal Wiretap Act
and Stored Communications
Act, **9:54**

SOCIAL SECURITY

Protecting SSNs and data privacy
statutes, **7:8**

SOFTWARE

Networks, security and privacy, **2:13**

SOUTH CAROLINA

Computer security statutes, **6:66**

SOUTH DAKOTA

Computer security statutes, **6:66**

SOUTH KOREA

Personal data protection law, **14:3**

SPAIN

Personal data protection law, **14:3**

SPAMMING

CAN-SPAM Act (Controlling the
Assault of Non-solicited
Pornography and Marketing Act
of 2003), this index

Computer Fraud and Abuse Act
(CFAA), **6:25**

Data privacy statutes, state anti-
spamming legislation, **7:13,**
7:63

SPOOFING

Generally, **1:28**

SPYWARE

Data privacy statutes, **7:7**

Electronic security risks and need for
privacy, **1:57**

Online privacy, proposed legislation,
7:21

SPYWARE—Cont'd

- Security litigation, **8:54**
- State spyware initiatives, **7:60**

STALKING

- Criminal Law, this index

STANDING

- Telephone Consumer Protection Act (TCPA), **9:79**
- Video Privacy Protection Act (VPPA), **9:101**

**STATE AND LOCAL
GOVERNMENT
CYBERSECURITY ACT OF
2021**

- Data security statutes, **6:63**

STATE REGULATIONS

- Computer security regulations, **6:67**

STATE SECRETS PRIVILEGE

- Privacy litigation, **9:167**

STATE STATUTES

- Computer security statutes, **6:66**
- Criminal Law, this index
- Data Privacy Statutes, this index
- Educational privacy, **7:43**
- Financial privacy. Banking, Financial and Insurance Industries, this index
- Health Care Privacy, this index
- Privacy litigation, this index

**STATE-SPONSORED
CYBERTHREATS**

- Electronic security risks and need for privacy, **1:18-1:20**

STATUTE OF LIMITATIONS

- Breach of contract, **9:116**
- Computer Fraud and Abuse Act (CFAA), **6:23, 9:18**
- Fair Credit Reporting Act (FCRA), **9:147**
- Federal Wiretap Act, **9:47**
- Invasion of privacy, **9:132**
- Stored Communications Act, **9:29**
- Video Privacy Protection Act (VPPA), **9:99**

STATUTES

- Criminal statutes. Criminal Statutes and Case Law, this index
- Privacy. Data Privacy Statutes, this index
- Security. Data Security Statutes, this index
- State Statutes, this index

STOLEN PROPERTY

- National Stolen Property Act, this index

**STORED COMMUNICATIONS
ACT**

- Generally, **6:35, 9:22-9:36**
- Authorized government request, **9:32**
- Cookies, **9:36**
- Court, proper, **9:28**
- Cross-border data requests, CLOUD Act, **9:37**
- Defenses, **6:36**
 - Authorized government request, **9:32**
 - Exceptions to prohibitions, **9:31**
 - Good faith belief that conduct permitted, **9:33**
- Disclosure of customer communications or records of stored communications, **9:25**
- Elements of claim, **9:23**
- Employees, interception or monitoring of employee e-mail or e-mail generated in non-employment context, **9:34**
- Exceptions to prohibitions, **9:31**
- Good faith belief that conduct permitted, **9:33**
- Mental state, knowing or intentional state of mind, **9:26**
- Parties, proper, **9:27**
- Remedies, **9:30**
- Search warrants, **9:35**
- Security litigation, **8:11**
- Special electronic privacy issues
 - Cookies, **9:36**
 - Employees, interception or monitoring of employee e-mail or e-mail generated in non-employment context, **9:34**

INDEX

STORED COMMUNICATIONS

ACT—Cont'd

- Special electronic privacy issues
—Cont'd
- Search warrants, **9:35**
- Subpoenas, **9:35**
- State analogs to Federal Wiretap Act
and Stored Communications
Act, **9:53, 9:54**
- Statute of limitations, **9:29**
- Subpoenas, **9:35**
- Unlawful access to stored com-
munications, **9:24**

STRENGTHENING AMERICAN CYBERSECURITY ACT OF 2022

- Data security statutes, **6:62**

STRIKEBACKS

- Technical security measures, **3:16**

STUDENT'S PRIVACY

- Generally, **7:41, 7:42**
- Family Educational Rights and
Privacy Act, **7:42**
- State educational privacy, **7:43**

SUBPOENAS

- Stored Communications Act, **9:35**

SUBSTANCE ABUSE REGULATIONS

- Health care privacy, **12:77**

SWEDEN

- Personal data protection law, **14:3**

SWITZERLAND

- Personal data protection law, **14:3**

SYSTEM IDENTITY VERIFICATION

- Technical Security Measures, this
index

TAIWAN

- Personal data protection law, **14:3**

TAJIKISTAN

- Personal data protection law, **14:3**

TCPA

- Telephone Consumer Protection Act
(TCPA), this index

TECHNICAL PRIVACY MEASURES

- Encryption, this index

TECHNICAL SECURITY MEASURES

- Generally, **3:1-3:40**
- Anomaly detection systems, **3:39**
- Biometric identity verification
methods

- Generally, **3:23**
- Facial, **3:28**
- Fingerprint, **3:24**
- Palm, **3:29**
- Retina, **3:27**
- Signature, **3:25**
- Voice, **3:26**

- Digital certificates, **3:18**

- Disk encryption, **3:31**

- DMZs, **3:7**

- Encryption

- Generally, **3:30**
- Disk encryption, **3:31**
- E-mail encryption, **3:33**
- File encryption, **3:32**
- Message encryption, **3:33**
- Network encryption, **3:34**
- Virtual Private Network (VPN),
3:34

- External data security

- Generally, **3:6**

- DMZs, **3:7**

- Firewalls, below

- Network Address Translation
(NAT), **3:8**

- Personal identity verification
methods, below

- System identity verification, below

- Facial identity verification methods,
3:28

- Fingerprint identity verification
methods, **3:24**

- Firewalls

- Generally, **3:9**

- Alternatives, **3:11**

TECHNICAL SECURITY

MEASURES—Cont'd

- Firewalls—Cont'd
 - Concepts, **3:10**
 - Definition, **3:9**
 - Packet filter firewalls, **3:10**
 - Proxy firewalls, **3:10**
 - Routers, alternatives to firewalls, **3:11**
 - Software, firewall-emulating, **3:11**
 - Usage, **3:10**
- Hash functions, **3:19**
- Heuristic-based intrusion detection systems, **3:38**
- Honeypots, **3:13**
- Industry security initiative, Internet Protocol version six (IPv6), **3:40**
- Internal data security
 - Generally, **3:3**
 - Networks, **3:4**
 - Systems, **3:5**
- Internet Protocol version six (IPv6), **3:40**
- Intrusion detection systems
 - Generally, **3:35**
 - Anomaly detection, **3:39**
 - Designs, **3:36**
 - Heuristic-based, **3:38**
 - Signature-based, **3:37**
- IPv6, Internet Protocol version six, **3:40**
- Kerberos, **3:20**
- Message encryption, **3:33**
- Network Address Translation (NAT), **3:8**
- Network encryption, **3:34**
- Networked security traps, **3:12**
- Packet filter firewalls, **3:10**
- Palm identity verification methods, **3:29**
- Personal identity verification methods
 - Generally, **3:21**
 - Biometric identity verification methods, above
 - Keys, **3:22**
 - Tokens, **3:22**
- Proxy firewalls, **3:10**

TECHNICAL SECURITY

MEASURES—Cont'd

- Retina identity verification methods, **3:27**
- Routers, firewall alternative, **3:11**
- Signature identity verification methods, **3:25**
- Signature-based intrusion detection systems, **3:37**
- Software, firewall-emulating, **3:11**
- Strikebacks, **3:16**
- System identity verification
 - Generally, **3:17**
 - Digital certificates, **3:18**
 - Hash functions, **3:19**
 - Kerberos, **3:20**
 - X.509 standard, digital certificates, **3:18**
- Virtual Private Network (VPN), **3:34**
- Voice identity verification methods, **3:26**
- Warchalking, **3:15**
- Wartrapping and wardriving, **3:14**
- X.509 standard, digital certificates, **3:18**

TELEPHONE CONSUMER PROTECTION ACT (TCPA)

- Generally, **9:73-9:83**
- Actions and proceedings, **9:79**
- Artificial or prerecorded voice, **9:75, 9:76**
- Automatic telephone dialing system, cellular telephones, **9:75**
- Cellular telephones, automatic telephone dialing system, **9:75**
- Class action litigation, **9:82**
- Consent, prior express consent, defenses, **9:78**
- Constitutionality, **9:74**
- Damages, **9:79**
- Defenses, prior express consent, **9:78**
- Fax machines, unsolicited fax advertisements, **9:77**
- Jurisdiction, **9:80**
- Potential defendants, **9:81**
- Preemption, **9:83**
- Prior express consent, defenses, **9:78**

INDEX

TELEPHONE CONSUMER

PROTECTION ACT (TCPA)

—Cont'd

Prohibited acts

Artificial or prerecorded voice,
9:75, 9:76

Automatic telephone dialing
system, cellular telephones,
9:75

Unsolicited fax advertisements,
9:77

Standing, **9:79**

Subject matter jurisdiction, **9:80**

Unsolicited fax advertisements, **9:77**

TELEPHONE RECORDS

Electronic Communications Privacy
Act, this index

TENNESSEE

Computer security statutes, **6:66**

TERRORISM

Cyberterrorism, **1:5**

Information awareness, **1:62**

TERRORISM INFORMATION AWARENESS

Electronic security risks and need for
privacy, **1:62**

TEXAS

Computer security statutes, **6:66**

Privacy laws, **12:71**

THIRD-PARTY LIABILITY

Security Litigation, this index

THIRD-PARTY ONLINE SECURITY OPTIONS

Networks (NISs), security and
privacy, **2:26**

THIRD-PARTY POLICIES

Insurance Coverage for Cyber
Losses, this index

THREATS

Criminal Law, this index

TRADE SECRET

MISAPPROPRIATION

Security Litigation, this index

TRADE SECRETS

Duty of confidentiality for internal
corporate information and trade
secrets, **10:2**

TRAINS

Networks (NISs), security and
privacy, **2:23**

TRANSACTIONAL RECORDS

Electronic Communications Privacy
Act, this index

TRANSMISSION

Computer Fraud and Abuse Act
(CFAA), **8:8**

TRESPASS

Security Litigation, this index

TRINIDAD AND TOBAGO

Personal data protection law, **14:3**

TROJAN HORSES

Electronic Security Risks and Need
for Privacy, this index

TRUNCATION OF CREDIT AND/OR DEBIT CARD NUMBERS

Fair and Accurate Credit Transactions
Act of 2003 (FACTA), **9:153**

TUNISIA

Personal data protection law, **14:3**

U.C.C. ARTICLE 4A

Privacy of data

Generally, **7:49**

Scope of Article 4A, **7:51**

Security procedures, **7:52**

Wholesale wire transfer, **7:50**

UKRAINE

Personal data protection law, **14:3**

UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT (UCITA)

Generally, **7:9**

Third-party systems, damage caused
to, **10:27**

UNITED ARAB EMIRATES

Personal data protection law, **14:3**

UNITED KINGDOM

Personal data protection law, **14:3**

UNITED NATIONS

Guidelines for Regulation of
Computerized Personal Data
Files, **11:14**

UNITED STATES OF AMERICA

Personal data protection law, **14:3**

**UNITING AND STRENGTHENING
AMERICA BY PROVIDING
APPROPRIATE TOOLS
REQUIRED TO INTERCEPT
AND OBSTRUCT
TERRORISM (USA PATRIOT
ACT) ACT OF 2001**

Generally, **6:2**

URUGUAY

Personal data protection law, **14:3**

USA PATRIOT ACT OF 2001

Generally, **6:2**

UTAH

Computer security statutes, **6:66**

VANUATU

Personal data protection law, **14:3**

VEHICLES

Networks (NISs), security and
privacy, **2:23**

VENDORS

Networks (NISs), security and
privacy, **2:26**

VENEZUELA

Personal data protection law, **14:3**

VERMONT

Computer security statutes, **6:66**

**VIDEO PRIVACY PROTECTION
ACT (VPPA)**

Generally, **9:92-9:105**

Claims, elements, **9:93**

**VIDEO PRIVACY PROTECTION
ACT (VPPA)—Cont'd**

Defenses

Disclosure not made knowingly or
willingly, **9:103**

Intra company transfers, **9:102**

Markets and marketing, retention,
9:105

No injury in fact, **9:101**

Ordinary course of business,
request processing, **9:104**

Request processing, ordinary
course of business, **9:104**

Standing, **9:101**

Use in ordinary course of business,
request processing, **9:104**

Disclosure not made knowingly or
willingly, defenses, **9:103**

Disclosure of personally identifiable
information by video tape ser-
vice provider, **9:94**

Elements of claim, **9:93**

Intra company transfers, defenses,
9:102

Jurisdiction, **9:98**

Markets and marketing, retention,
defenses, **9:105**

No injury in fact, defenses, **9:101**

Ordinary course of business, request
processing, defenses, **9:104**

Parties, **9:97**

Personally identifiable information
Generally, **9:92 to 9:105**

Failure to timely destroy, **9:96**

Improperly obtained information
submitted into evidence, **9:95**

Prohibited acts

Disclosure of personally identifi-
able information by video
tape service provider, **9:94**

Personally identifiable information
Generally, **9:92 to 9:105**

Failure to timely destroy, **9:96**

Improperly obtained information
submitted into evidence,
9:95

Remedies, **9:100**

Request processing, ordinary course
of business, defenses, **9:104**

INDEX

VIDEO PRIVACY PROTECTION ACT (VPPA)—Cont'd

Standing, **9:101**

Statute of limitations, **9:99**

VIETNAM

Personal data protection law, **14:3**

VIRGINIA

Computer security statutes, **6:66**

VIRTUAL PRIVATE NETWORK (VPN)

Technical security measures, **3:34**

VIRUSES

Criminal Law, this index

Electronic Security Risks and Need
for Privacy, this index

VOICE IDENTITY VERIFICATION METHODS

Technical security measures, **3:26**

VOICE-OVER-INTERNET PROTOCOL (VOIP)

Networks (NISs), security and
privacy, **2:18**

VPPA

Video Privacy Protection Act
(VPPA), this index

WANS

Networks, security and privacy, **2:14**

WARCHALKING

Technical security measures, **3:15**

WARRANTS

Federal Wiretap Act, **6:33**

Stored Communications Act, **9:35**

WARTRAPPING AND WARDRIVING

Electronic security risks and need for
privacy, **1:29**

WARTRAPPING AND WARDRIVING—Cont'd

Technical security measures, **3:14**

WASHINGTON

Computer security statutes, **6:66**

WEST VIRGINIA

Computer security statutes, **6:66**

WILLFUL NONCOMPLIANCE

Fair Credit Reporting Act (FCRA),
9:148

WIRE FRAUD

Federal Wire Fraud Statute, this
index

WIRELESS LANS

Networks (NISs), security and
privacy, **2:14**

WIRETAPPING

Federal Wiretap Statutes, this index

WISCONSIN

Computer security statutes, **6:66**

WORK FROM HOME

Corporate risk management, **5:84**

WORLD WIDE WEB

Networks (NISs), Security and
Privacy, this index

WYOMING

Computer security statutes, **6:66**

X.509 STANDARD

Digital certificates, **3:13, 3:18**

ZIP CODE COLLECTION BY RETAILERS

State laws, Baby Fair and Accurate
Credit Transactions Acts, **9:154**