

This is your Release #5 (May 2019)

Proskauer on Privacy

A Guide to Privacy and Data Security Law in the Information Age

Second Edition

Proskauer on Privacy provides essential guidance to organizations on how to develop compliance programs, ensure data privacy and security, prevent cybercrime, and avoid or minimize fines, penalties, litigation, damages, and negative publicity.

Chapters on the following topics are updated in this release:

- Medical Privacy (chapter 3)
- Privacy of Electronic Communications (chapter 6)
- Workplace Privacy Law (chapter 9)
- Privacy and Commercial Communications (chapter 10)
- The Children’s Online Privacy Protection Act (chapter 11)
- Data Breach Litigation (chapter 17)
- Location Privacy: Technology and the Law (chapter 18)

Highlights of the new content include:

State COPPA enforcement actions: New sections cover enforcement actions regarding protection of children’s online privacy in Texas, New Jersey, and New York. These states have often imposed penalties and conditions that exceed those in FTC enforcement actions. **New sections 11:6, State Enforcement Actions; 11:6.1, State of Texas Enforcement Actions; 11:6.2, State of New Jersey Enforcement Actions; and 11:6.3, State of New York Enforcement Actions.**

Consumer data breach class actions: *Smith v. Triad of Alabama LLC*, arising from a hospital employee stealing patient records and filing over 120 fraudulent tax returns, became the first consumer data

(continued on reverse)

Practising Law Institute
1177 Avenue of the Americas
New York, NY 10036
#267539

breach case to certify a class. **Section 17:3.3[B], Motions for Class Certification.**

Actions by state attorneys general: State attorneys general have become more active in litigating data breach cases. A new section describes one such example brought by the Massachusetts Attorney General suit against Equifax after the 2017 data breach that involved the personal information of 148 million people. **New section 17:4.2, Attorney General Suits.**

Shareholder actions: Data breaches have spawned securities fraud lawsuits, where plaintiff shareholders bring claims related to the loss of value of their shares in the aftermath of a data breach. Several prominent companies have faced such suits, including Equifax, Marriot, Alphabet Inc. (Google's parent company), Chegg, and Huazhu Group. **New section 17:4.3, Securities Suits.**

Cell site location information: In a 2018 decision, *Carpenter v. United States*, the U.S. Supreme Court ruled that cell phone records obtained without a warrant violated the Fourth Amendment. **Section 18:3.2[B], Case Law.**

Thank you for purchasing *Proskauer on Privacy*. If you have questions about this product, or would like information on our other products, please contact customer service at info@pli.edu or at (800) 260-4PLI.

FILING INSTRUCTIONS

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REMOVE OLD PAGES NUMBERED:

- Title page to lxxi
- 3-1 to 3-69
- 6-1 to 6-141
- 9-1 to 11-61
- 17-1 to I-98

INSERT NEW PAGES NUMBERED:

- Title page to lxxvii
- 3-1 to 3-70
- 6-1 to 6-144
- 9-1 to 11-70
- 17-1 to I-100

