

This is your Release #17 (December 2025)

Proskauer on Privacy

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

Second Edition

Proskauer on Privacy provides essential guidance on how to develop compliance programs, ensure data privacy and security, prevent cyber-crime, and avoid or minimize fines, penalties, and damages as a result of data security breaches.

In this release:

The Department of Health and Human Services issued a Final Rule modifying HIPAA to support **reproductive health care privacy**. The new rule prohibits a regulated entity from using or disclosing an individual's PHI to conduct an investigation or impose liability on any person for "the mere act of seeking, obtaining, providing, or facilitating lawful reproductive health care." A district court issued an order declaring the new rule unlawful and vacating most of the new rule. Entities must comply with the requirements that remain in effect by February 16, 2026. *Chapter 3, Medical Privacy.*

In May 2025, Congress enacted a new law that prohibits the **online publication of intimate visual depictions of individuals** without consent, with stricter requirements regarding minors. The Act requires covered platforms to remove such content within forty-eight hours of notification from the individual depicted and criminalizes the publication of such depictions without the consent of the individual depicted. *Chapter 4, Federal Trade Commission Enforcement of Privacy.*

The list of states that have enacted **state privacy laws** continues to grow, with new laws in Delaware, Indiana, Iowa, Kentucky, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, and Rhode Island going into effect in 2025 or 2026. *Chapter 5, State Privacy Laws.*

The Colorado Privacy Act has been amended to include new provisions on the use of **biometric information**, requiring that consumers be notified prior to the collection or processing of a biometric identifier.

(continued on reverse)

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The Act applies as well to employers collecting employees' and independent contractors' biometric data, providing specific restrictions in the workplace context. *Chapter 5, State Privacy Laws.*

Data breaches were the subject of a number of significant cases, with decisions on issues including **enforceability of class waiver provisions** and **standing**. Many other cases resulted in large settlements. *Chapter 17, Data Breach Litigation.*

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 (800) 260-4PLI.

FILING INSTRUCTIONS

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