

# Privacy and Cyber Security

## Beyond FERPA

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## **EMPLOYEE DATA IS SENSITIVE**

Name and contact information

Health Information

Sexual preference

Financial Information

Union membership

Social Security Number

Family Information

Educational Information

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## PERMISSIBLE USE AND PRUDENT USE

Just because you can,

Does not mean you should.

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## **SOCIAL SECURITY NUMBERS**

Use prudence when using and transmitting Social Security Numbers

Only when necessary, should all nine digits of a Social Security Numbers be used or shared with third parties.

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## PRIVACY EXPECTATIONS AND COMMON LAW

Expectations of privacy exist, especially for non-employee participants in employee benefit plans and students.

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## HIPAA

Use PHI only as permitted by HIPAA.

Use the minimum necessary.

Obtain appropriate agreements.

Conduct a risk assessment.

Implement appropriate administrative, technical and physical safeguards.

Train your employees.

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## HIPAA TIPS

When possible, consider not receiving  
health information

Workers compensation

FMLA

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## FINANCIAL ACCOUNT INFORMATION

Even if no law, such as HIPAA applies, most state laws will apply in the event of an inappropriate use or disclosure.



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## FINANCIAL ACCOUNT INFORMATION

This is data particularly prone to identity theft and HR can be a weak point for obtaining it if employers are not careful.

School fundraisers are often targets too.

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## FINANCIAL ACCOUNT INFORMATION

Transfers and vendors are particular weak points for cybersecurity.

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## FTC ACT

Benefits, payroll and other portals can be subject to the FTC Act.

So can portals with vendors.

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## EMPLOYEES AND SOCIAL MEDIA

Employee use about work is different from their other use personal use.

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## EMPLOYEES AND SOCIAL MEDIA

It can be risky business to view, access or act on an employee's social media profiles or postings.

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## VENDORS

Most privacy laws require you to obligate vendors to comply with applicable law and your written policies.

Failure to document is often a violation.

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## VENDORS

Do not assume standard privacy or confidentiality language will suffice.

Neither will standard limitations on liability or indemnification.

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## SHARING INFORMATION AMONGST SCHOOLS

Data often follows students, how that transfer occurs can make a difference.

What and how much data is transferred to other districts, the county, state and federal agencies to ensure compliance.



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## RISK ASSESSMENT

Required by several privacy laws, they are an effective and practical way to determine your risk, the potential costs and where and how to focus your compliance efforts.

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## RISK ASSESSMENT

Objectively assess the risk

Use clear standards

Involving the right people and

Ask the right questions.

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# RISK VALUATION

What matters get measured

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# RISK VALUATION

## Reputational Risks

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# RISK VALUATION

## Legal Risks

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# RISK VALUATION

## Financial Risks

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## DATA BREACH LAWS

State cybersecurity laws apply when you have data from an individual who resides in the state or you reside in that state.

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# BREACH ASSESSMENT

Know the requirements and who is responsible for making decisions.



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## DATA BREACH PLANNING

Have a plan for each major risk you face.

Planning could reduce or eliminate notice requirements.

Employee training and expectation setting are essential.

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## DATA BREACH PLANNING

Open and honest communication can make a big difference.

Know who you will contact and what you will say when you do contact people.

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## DATA BREACH LAWS

What data does the law apply to?

What about encryption?

How and when do you notify individuals?

Do we need to notify the government?

What details should be included?

Do we provide credit monitoring?

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## PRACTICAL STEPS FOR COMPLIANCE

Understand what laws apply to the school and  
retain expert assistance

Take the time to conduct a proper and  
thorough risk assessment

Assign compliance to a person or position

Have contingency and emergency plans

Document all efforts to comply

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# Questions

# THANK YOU

Legal Disclaimer: This document is not intended to give legal advice. It is comprised of general information. Employers facing specific issues should seek the assistance of an attorney.

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