

# Data Privacy + Cybersecurity Insider

Leveraging Knowledge to Manage Your Data Risks

## CYBERSECURITY

### [November's "Patch Tuesday" Includes 55 Patches](#)

Staying current with Microsoft's monthly patches is challenging, yet critical for one's cybersecurity program. This week, Microsoft's November Patch Tuesday released 55 patches, six of which were categorized as "critical," four were previously disclosed (which means that cyber criminals may already be exploiting them), and two are being exploited now. Plugging all of these vulnerabilities should be a high priority for your security teams. [Read more](#)

### [CISA Issues Binding Operational Directive on Patching Vulnerabilities](#)

The Cybersecurity and Infrastructure Security Agency (CISA) recently issued a Binding Operational Directive requiring all federal agencies to apply patches to new and old vulnerabilities that are being exploited in the wild.

The Directive, entitled *Reducing the Significant Risk of Known Exploited Vulnerabilities*, "establishes a CISA-managed catalog of known exploited vulnerabilities that carry significant risk to the federal enterprise...and establishes requirements for agencies to remediate any such vulnerabilities included in the catalog." [Read more](#)

## ENFORCEMENT + LITIGATION

### [Class Action Against Shopify Dismissed for Lack of Jurisdiction](#)

The U.S. District Court for the Northern District of California dismissed a consumer class action against Ledger SAS's e-commerce vendor Shopify Inc. because of its locale - Shopify is headquartered in Ottawa, Canada. Judge Edward M. Chen said in his decision earlier this week that the plaintiffs failed to satisfy their burden to demonstrate that Ledger "purposefully directed" its activity at California, or that the plaintiffs' claims "ar[ose] out of" Ledger's California-related activities. [Read More](#)

### [Phoenix Children's Hospital Faces Privacy Lawsuit Over Inadvertent Release of Vaccine Exemption Information](#)

An apparent email snafu has led to the filing of a putative class action against the Phoenix Children's Hospital. The allegations stem from an email that was allegedly sent out to 368 people that outlined the

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protocols for employees with approved COVID-19 vaccine exemptions. The email set forth the protocols related to accommodations for such unvaccinated employees. The complaint, filed in Superior Court in Maricopa County, Arizona, sounds in two counts: invasion of privacy and negligent disclosure of medical information. The complaint presents itself as a state-law class action on behalf of all persons whose exemption status was allegedly disclosed by the hospital. [Read more](#)

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### [FTC Releases Guidance On Negative Option Marketing](#)

The Federal Trade Commission released a [new enforcement policy statement](#) on October 28, 2021, targeting the practice known as “Negative Option Marketing.” Negative Option Marketing is the practice of taking consumers’ silence as tacit consent in various circumstances, including automatic subscription renewals and free-trial marketing. In the statement, the FTC outlined four general requirements for companies soliciting consumer consent: [Read more](#)

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### **PRIVACY TIP #306**

#### [Quick Read on Data Privacy Issues in 2020](#)

Most people read novels while on vacation, I catch up on data privacy articles and publications that I have set aside and haven’t had a chance to read. I just finished one that I thought was a quick and good summary of current data privacy issues entitled *5 Important Data Privacy Issues for 2020* by Zach Capers of GetApp. This week’s Privacy Tip introduces the highlights. [Read more](#)

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