

Intellectual Property

What Business Owners Need To Know About Privacy and Cybersecurity

Most business owners do not understand and are intimidated by privacy and cybersecurity. It is a complicated area. There are certain state and federal laws that businesses must follow when collecting personally identifiable information (generally, personal names, social security or driver's license numbers, financial account information, and biometric information).

Questions To Consider

- What are your current information management practices?
- How is personally identifiable information (PII) collected?
- What are your current security protocols?
- Where is PII stored? Who has access to it? Does that person/group have back-up (individuals and systems)?
- What categories of PII are stored, used and shared, and with whom?
- Have you reviewed your legal and insurance policies regarding the Stop Hacks and Improve Data Security Act (SHIELD Act) and other obligations?
- Will you demand in your contracts with third parties that they comply with particular privacy regimes?
- Do you comply with the privacy provisions in third parties' contracts?
- Do you provide opt in or opt-out options?
- Do you have a "Do Not Sell My Personal Information" page?
- Do you respond to consumer's requests regarding PII?
- Do you have cyber insurance?





If your business implements security protocols, has the appropriate legal documents in place, trains its personnel, and knows what to do in case there is a breach, you are ahead in the cybersecurity game.

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