

[Back to June 2020 issue](#)

Cybersecurity Meets Work from Home in the New Normal

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In response to the COVID-19 crisis, many businesses are continuing operation by encouraging workers to work from home. While business may have slowed down, hackers have not. This means greater risk for companies without proper planning and implementation of technical and organizational measures to protect personal data accessed by employees or contractors working from home.

Article 32 of the General Data Protection Regulation (GDPR) requires that “[t]aking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk...” Articles 24 and 28 of GDPR also requires Controllers to ensure that processors have sufficient security measures in place.

On the Federal Level, Gramm-Leach Bliley, The Health Insurance Portability and Accountability Act (HIPAA) and their accompanying regulations (such as the HIPAA Security Rule provide general guidance for assessing and implementing security around financial services and health care data. The Federal Trade Commission has waded into data security investigations over 50 times and has an entire section on its website to provide guidance for business.

The California Consumer Privacy Act does not have specific requirements that data be secure but the Attorney General can impose fines due to lack of “reasonable” security resulting in a data breach. Massachusetts’ Data Breach law and its Standards for the Protection of Personal Information of Residents of the require reasonable minimum security measures to protect personal data. Most other states have similar requirements of reasonable security.

There may be limited case law on these legal statutes, but that does not mean that employers should not take steps to secure company data, especially since few home internet networks have much security beyond passwords. Here are a couple steps businesses may want to consider:

- Inventory what access employees will have from remote locations as well as what devices and networks they will use while working. This will help identify risks and allow the employer to evaluate what technical and organizational measures should be in place to secure data.
- Require security measures on video-teleconferencing calls (e.g. Zoom, etc.), such as passcodes, waiting rooms, limit sharing of links, document sharing and video access.
- If you have international operations, especially those in developing nations, consider offering Internet connectivity to workers to ensure more secure access.
- Have a program in place to ensure quick implementation of patches and fixes. Old applications are an easy target for bad actors.
- Implement policies to manage risk including requiring the installation of anti-virus applications and firewalls on mobile laptops, tablets, mobile devices and home computers accessing work networks and using VPNs to access work networks. Encryption of storage should also be strongly considered. Two factor authentication should be a basic requirement for any remote access, including email access.
- Consider mobile device management, data level security and remote access workspaces as additional measure to protect data from being stored on employee personal computers and mobile devices and to limit access due to loss or unauthorized access to personal devices and work mobile devices.

Over the next couple of months, work will be more dispersed to keep families and co-workers safe during these difficult times, but security will still be a requirement. These tips may be helpful in considering how to keep data secure during these difficult times.

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[Back to June 2020 issue](#)