



CYBERSECURITY

[Financial Industry Getting Hammered with Cyber-Attacks](#)

Cybersecurity company Carbon Black recently issued a report of the results of a survey of chief information security officers (CISOs) of financial organizations, which showed that the financial industry is getting hammered by more frequent and sophisticated cyber-attacks. Carbon Black partnered with Optiv to survey banks and financial institutions around the world. [Read more](#)

ENFORCEMENT + LITIGATION

[Plaintiff Argues GoDaddy Texting Campaign Used an Autodialer](#)

Lead plaintiff, John Herrick, in the Telephone Consumer Protection Act (TCPA) class action lawsuit against GoDaddy.com LLC (GoDaddy.com) opposed an Arizona federal judge's May 2018 decision to grant summary judgment in favor of GoDaddy.com. The court granted summary judgment on the grounds that the platform used to send the text messages did not qualify as an autodialer under the TCPA since the platform did not have the ability to generate the numbers it texted or to send text messages without human intervention. The court based its decision on the D.C. Circuit's ruling in March 2018 in *ACA International v. Federal Communications Commission* (FCC), which narrowed a 2015 FCC order that defined an "automatic telephone dialing system" (or autodialer) to mean any device with the 'capacity' to place autodialed calls, even if it required additional software. [Read more](#)

NEW + NOW

[Data Privacy and Security Contractual Provisions](#)

During a dispute between parties, or in the middle of a security incident, is not the best time to determine whether you have sufficient contractual provisions in place with a customer or vendor. Lately, I have been asking clients these questions: "Do you have a contract in place and what does it say about 'this?'" or "What are our obligations under our contract with the customer?" or "What does the vendor have to tell us about 'this' in the contract?" [Read more](#)

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FEATURED AUTHORS:

[Linn Foster Freedman](#)
[Kathryn M. Rattigan](#)

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PRIVACY TIP #180

[National Consumer Protection Week—Tax Identity Theft](#)

This week is National Consumer Protection Week. In recognition of that, this privacy tip is devoted to protection from tax identity theft. [Read more](#)

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