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Privacy Officer Roundtable – Best Practices and Lessons Learned from the Front Line

HIPAA Summit

March 27, 2018

Agenda

I. Introductions

II. Trends in HIT and Health Privacy & Security

III. Privacy Officer Roundtable – Lessons Learned from the Front Line

IV. Questions

I. Panel Introductions

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II. Trends in HIT and Health Privacy & Security

Trend 1 - Revolution in HIT and Healthcare Delivery Models

- **Health Information, IT and Sharing Revolutions.** Healthcare being conducted globally. Stimulus Bill provided funds driving HIT and analytics, but organizations went from 0 to 11 in IT maturity.
- **Care without Walls.** Healthcare using new channels and technologies to deliver treatments – i.e. specialty pharma, telemedicine, Internet of Things/addressable medical devices, social media, care without walls.
- **New, but Vulnerable, Healthcare Ecosystem.** All the new data sharing and movement of data creates new capabilities and new data vulnerabilities.
- **More Third Parties Needed to Enable/Support.** New business partners, business associates and independent contractors needed to deliver and host new healthcare delivery methods/technology.
- **New Cyber Threats Attacking Healthcare.** Many pharma, medical device, providers, payers, and BAs have been the target of cyber-attacks.

Privacy and security are prerequisites for new, health analytics and HIT models.

- **75%** of Healthcare organizations indicate they have or plan to use data for secondary and new uses
- **48%** have implemented privacy and security safeguards

Trends 2 – New Global Laws/Enforcements Impacting Health

Global Changes to Accommodate New Business Models

- Business operations and IT increasingly being consolidated and/or conducted globally.

Growing Web of Laws Increasing and Creating Complexity

- 250+ privacy/security laws in 150+ countries impacting marketing, health, HR, breaches.
- New laws in US, Japan, Singapore, Malaysia, South Africa, Mexico, Venezuela.
- Privacy Shield and other EU/global data transfer solutions used following Safe Harbor.
- Dramatic privacy, data handling and retention requirements under upcoming EU GDPR.
- New Types - Breach Notification, ID Theft Prevention, Required Security Controls Laws.

Heightened Regulatory and Class Action Scrutiny Raises Stakes

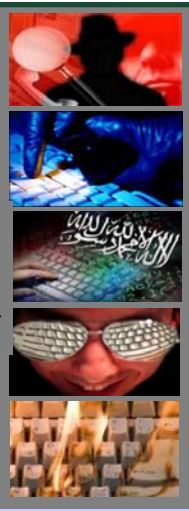
- Regulator aggressively inspecting and pursuing breaches and failure of safeguards.
- HIPAA audits and enforcements in the US, and health-related inspections in EU.
- Over $450 million paid in fines, penalties and class-actions for breaches/non-compliance.
- Under EU GDPR, fines can be levied up to ***4%*** of annual revenue for non-compliance.

Trend 3 – Rise of Cyber and Vendor Breaches in Healthcare

Threat actors are more diverse and capable, increasing the frequency and magnitude of cyber-attacks and compromise of healthcare IP and crown-jewels

More Diverse

The Threats have become more diverse and distributed…

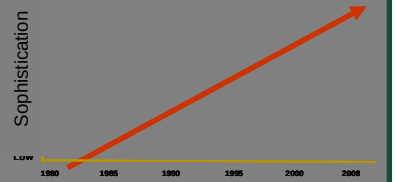


Risks include both malign and benign threats

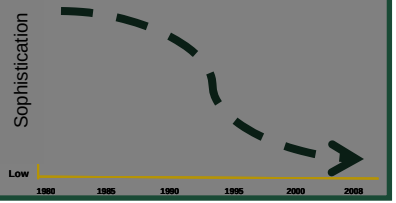
More Capable

… while growing in sophistication with lower barriers to entry

The sophistication of available tools is growing



While the sophistication required of actors is declining



Greater Impact

…increasing both the frequency and impact of attacks

- **1,023,108,267** Records Compromised
- **2,122** Confirmed Data Breaches
- **79,790** Security Incidents
- **90%+** Stem from Common Techniques, although risks vary by industry, including:
  - Compromised Credentials
  - RAM Scraper
  - Phishing
  - Spyware/Keylogger
- **70%+** Alerted by Third Party

Economic impact from cyber attacks estimated $400M-$1 Bil.

55% of individuals who had their information compromised were from vendor/ BA breaches.

III. Privacy Officer Roundtable – Lessons Learned from the Front Line

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1. Big Picture – What Is the Biggest Change Occurring and Coming in Healthcare

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2. Risk Assessment – Given the OCR Focus on Risk Assessment – How Has that Impacted What You Do as an Organization?

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Cyber Risk –

3.Risk or Hype. How Is This Risk Different than Traditional Old Security (what are you seeing – cyber attacks, ransomware, medical ID theft, phishing, other)?

4.Preparedness. What Have You Done as An Organization to Mature Cybersecurity Preparedness (i.e., enhanced controls, incident response plans, table top exercises, other)?

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Business Associates –

5.New Technology. What rights have you entrusted to third parties for new technology and machine learning (or other innovation)?

6.Controls. Given all of the new vendors and third parties involved in the delivery of healthcare, how are you enhancing third party controls (i.e., pre-contract assessment, enhanced BAAs, and post-contract monitoring/auditing)?

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7. International – How Do You Integrate HIPAA with GDPR and other global requirements?

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8. Workforce Training – How Do You Keep It Real . . . Real Fun?

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9. Workforce Monitoring – Hard to Do – What Is Working (e.g., Fair Warning, manual, other approach)?

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10. Remarks – What Advice Do You Give to New Privacy Professionals on How to Prepare to Succeed?

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IV. Questions