



AUGUST 9-10, 2023

BRIEFINGS

Hot Topics in Law Panel

Moderated by Adam Shostack

Our Panelists



Daniel P. Cooper
Covington & Burling



Mike Hintze
Hintze Law PLLC



Leslie R. Katz
Practus



The EU: Abandon all Hope Ye Who Enter Here...

This micro-talk will scamper through recent technological, legislative and compliance matters occupying EU lawmakers, privacy regulators and industry, including AI, new cyber regulations like NIS2, and the EU-US Data Protection Framework.

Dan Cooper
Covington & Burling



A Dramatic Year for U.S. Privacy Law

The past year has seen some major developments in U.S. privacy law that will be enormously impactful on a wide range of organization. From a growing number of state "comprehensive" privacy laws to new rules for "health data," this talk will highlight some key developments and important takeaways.

Mike Hintze

Hintze Law PLLC



Shaping Policy and Regulations Impacting Privacy

The rapid adoption of crypto, blockchain, and generative AI (amongst other technologies) is sounding privacy and security alarms for experts and policy makers alike. Explore recent significant challenges, rules and regulations that have arisen in the US and how to plan for and address those impacts.

Leslie R. Katz

Practus

Securities & Exchange Commission - New Rule

Cybersecurity Risk Management, Strategy, Governance and Incident Disclosure

- Cyber Incident Reporting Form 8-K, (6-K)
- Cyber Risk Management and Strategy 10-K
- Cyber Governance 10-K Reg. S-K 106(b)
- Inline XBRL

Other Regulations and Legislation

American Data Privacy and Protection Act (ADPPA)

Cyber Incident Reporting for Critical Infrastructure Act (CIRCI)

SAFE Innovation Framework

Data Privacy Act of 2023 HR1165

Uphold Privacy Act of 2023

IoT Cybersecurity Labeling Program

Office of National Cyber Directive (ONCD) RFI on Harmonization

WH order for Responsible AI

Blueprint for AI Bill of Rights

CISA Cybersecurity Strategic Plan

Grab Your Seat At The Table

Submit comments

Meet with regulators and legislators

Share your knowledge and insights

(and be ready for whatever comes next...)

Thank You

Questions?

Questions will be short and to the point

Our Panelists



Daniel P. Cooper
Covington & Burling
(Unable to join us for questions)



Mike Hintze
Hintze Law PLLC



Leslie R. Katz
Practus



A Dramatic Year for U.S. Privacy Law

Mike Hintze
Partner, Hintze Law PLLC
9 August 2023





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|---|---|
| <ul style="list-style-type: none">• California Consumer Privacy Act (CCPA) | <ul style="list-style-type: none">• Iowa SF 262 |
| <ul style="list-style-type: none"><ul style="list-style-type: none">• Amended by California Privacy Rights Act (CPRA) [July 2023] | <ul style="list-style-type: none">• Indiana SB 5 |
| <ul style="list-style-type: none"><ul style="list-style-type: none">• AG and CPPA rulemaking (ongoing) | <ul style="list-style-type: none">• Tennessee SB 73 |
| <ul style="list-style-type: none">• Virginia Consumer Data Privacy Act (CDPA) [Jan. 2023] | <ul style="list-style-type: none">• Montana SB 384 |
| <ul style="list-style-type: none">• Colorado Privacy Act (CPA) [July 2023] | <ul style="list-style-type: none">• Florida S 262 |
| <ul style="list-style-type: none"><ul style="list-style-type: none">• Colorado AG rulemaking | <ul style="list-style-type: none">• Texas HB 4 |
| <ul style="list-style-type: none">• Connecticut Data Privacy Act [July 2023] | <ul style="list-style-type: none">• Oregon SB 619 |
| <ul style="list-style-type: none"><ul style="list-style-type: none">• Amended by SB 3 (2023) | <ul style="list-style-type: none">• Delaware HB 154 |
| <ul style="list-style-type: none">• Utah Consumer Privacy Act [Dec. 2023] | |







- Designed to protect the privacy of health data not covered by HIPAA
- Very broad in scope and jurisdictional reach
- Opt-in consent required to process or share consumer health data unless:
 - **necessary** to provide a consumer-requested product or service, or
 - for one of the **security-related** exempted purposes
- Heightened “authorization” for “sale” of consumer health data
- Data subject rights (access / delete) but without common exceptions
- New notice obligations
- Data security requirements
- Prohibition on certain geofencing uses
- Private right of action, in addition to Attorney General enforcement
- Effective date confusion:
 - Geofencing prohibition in effect now
 - March 31, 2024 for most substantive obligations (probably)
 - June 30, 2024 for small businesses

Thank you!

See <https://hintzelaw.com/hintzelaw-blog> for discussions of many of these laws and regulatory developments

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