

Daily Privacy & Consumer Regulatory Alert

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FEDERAL DEVELOPMENTS

FCC Warning of Call Scam

On May 3rd, the Federal Communications Commission (FCC) published an [alert](#) to consumers about a one ring call scam. According to the FCC, an increasing number of New York and Arizona consumers have reported robocalls late at night from the Mauritania country code 222. The robocalls often call multiple times and hang up after the first ring, in attempt to prompt consumers to call the number back. If the victim calls the number back, the victim could be charged with per minute toll charges that may be paid to the scammer.

DOJ Charges for Malvertisement Scam

On May 3rd, the Department of Justice (DOJ) [announced](#) that a Ukrainian national was charged with participating in an international scheme to infect victims' computers with malware through online advertisements. According to the DOJ, the defendant was extradited from the Netherlands to the United States and was charged with wire fraud and computer fraud. Through the 'malvertising' scheme, the defendant submitted malicious advertisements that appeared legitimate to U.S. Internet advertising companies for distribution. Those advertisements contained malware that infected victims' computers when they clicked on the advertisement. The DOJ estimates that the advertisements were viewed or accessed by tens of millions of consumers.

STATE DEVELOPMENTS

Recent Background Screening Legislation

On May 2nd, the Colorado legislature passed [SB19-177](#), which would require a fingerprint-based criminal history record check for the following:

- Child care center employees under eighteen years of age;
- Out-of-state employees working at a child care center in a temporary capacity; and
- All owners, employees, volunteers, and adults residing in a family child care home.

On April 20th, the Texas House of Representatives passed [H.B. 1865](#), which would require students of massage therapy schools to hold a student permit. On May 2nd, the Texas House of Representatives passed [H.B. 2747](#), which would require a fingerprint-based background check for applicants of a massage therapy license.

OTHER DEVELOPMENTS

Facebook Health Groups

On May 6th, *HIPAA Journal* [reported](#) that Facebook will change its policy for Facebook Groups that are used to discuss health conditions. A complaint to the FTC alleged that the Facebook Groups were promoted as private, but the information shared among Group members was being sold to third parties for advertising purposes. Group members reportedly received advertisements on their Facebook profiles based on the health conditions that the members discussed in the Group. According to the article, Facebook will introduce the

Health Support Group, a special designation to allow Groups to discuss health conditions privately. Facebook users' posts to a Health Support Group will not include their names or any information from their Facebook profile.

Cybercrime Report

On May 6th, Malwarebytes published the Q1 2019 Cybercrime Tactics and Techniques Report, which summarizes trends in cybercrime for the first quarter of 2019. Key takeaways from the report include:

- Detections of cyberattacks on individual consumers has decreased by 40 percent;
- Detections of cyberattacks on corporations has increased by 195 percent;
- The most common forms of malware are Trojans and Emotet, which spread malware via phishing emails; and
- Detections of malware that targets mobile devices increased by more than 60 percent.

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