

# Daily Privacy & Consumer Regulatory Alert

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## FEDERAL DEVELOPMENTS

### AMCA Data Breach

On June 7<sup>th</sup>, Senators Robert Menendez (D-NJ) and Cory Booker (D-NJ) sent a [letter](#) to the president of the American Medical Collection Agency (AMCA) requesting more information about the recent data breach which compromised the personal, financial, and medical information of 20 million patients of Quest Diagnostics, LabCorp, and OPKO Health, Inc. Specifically, the Senators requested that AMCA respond with information regarding:

- The timeline of the breach and why patients and state attorneys general were not notified sooner;
- Any previous data breaches of AMCA;
- Efforts taken to identify the scope of affected patients and breadth of information compromised;
- Steps taken to investigate the breach and identify patient harm;
- Resources dedicated to information and data security; and
- New processes and procedures that AMCA plans to implement to better monitor its data security.

### CBP Data Breach

On June 10<sup>th</sup>, the U.S. Customs and Border Protection (CBP) announced a [data breach](#) of images of individuals and vehicles entering and leaving the U.S. A CBP contractor's database was compromised in a cyberattack – exposing license plate photos, passport photos, and visa photos of individuals who drove through a land border entry point. CBP estimates that 100,000 individuals were impacted and that no other personally identifiable information was compromised with the photos. CBP did not disclose the name of the contractor responsible for the data breach.

## STATE DEVELOPMENTS

### Background Screening

Recently passed legislation for background screening includes:

- On May 23<sup>rd</sup>, the Alabama Legislature passed [H.B. 403](#), which would require background checks for employees working in child care centers or maternity centers.
- On June 4<sup>th</sup>, Oregon enacted [S.B. 484](#), which would limit landlords to a single applicant screening charge per 60-day period.
- On June 7<sup>th</sup>, the Oregon Legislature passed [S.B. 725](#), which would specify the types of professional licenses for which convictions, arrests, deferred sentences, conditional discharges, or referrals to diversion programs for certain crimes may be disqualifying.

Recent developments for Ban-the-Box laws include:

- On May 24<sup>th</sup>, the District of Columbia Office of Human Rights (OHR) released a [report](#) on the enforcement of the D.C. Fair Criminal Record Screening Amendment Act, a Ban-the-Box law which prohibits all employers with 11 or more employees from inquiring about a job applicants' criminal history

before extending a conditional offer of employment. Since enactment in September 2018, OHR received 1,824 complaints alleging unlawful use of criminal background questions on initial employment applications. OHR resolved or closed 944 of those cases. Over \$490,000 were awarded to complainants through settlements.

- On June 7<sup>th</sup>, Richland County, South Carolina passed a Ban-the-Box [ordinance](#), prohibiting all employers from inquiring about criminal convictions on job applications. The county government will conduct criminal background checks on employment applicants only after a conditional offer of employment. The ordinance also prohibits employers from inquiring about salary history on job applications.

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