LEGAL PROBLEMS IN DATA MANAGEMENT:

IT & PRIVACY AT THE FOREFRONT

REPORT OF PROCEEDINGS

AT THE JOURNAL OF INFORMATION TECHNOLOGY & PRIVACY LAW SYMPOSIUM ON APRIL 10, 2015, AT 8:30 A.M.
OPENING REMARKS

PROFESSOR DORIS LONG: Good morning, everyone. Thank you everybody for showing up on such a sunny, if not necessarily warm, day. This is an amazing symposium, and the first thing I want to do is thank the people who organized it. As you see, all of the students are running around with badges looking tired, harassed, and worried. You will know who did all the major work in bringing this incredible conference together.

My name is Doris Long. I'm a professor here at John Marshall. I'm also the director of the Center for Intellectual Property Information and Privacy Law.

There are two sponsors for this symposium. First, this symposium is run by the Journal of Information Technology & Privacy Law. It is their symposium focusing on some of the critical issues that we're facing today; data management, IT, and privacy law, to name just a few of the diverse issues we are facing as we move into an ever-more complex, ever-more difficult information age where technology and privacy have a lot of impact on every aspect of daily life.

I would also like to thank our second sponsor 4Discovery, data breach investigations. They'll be coming up as well and speaking for a moment. I will get out of the way and let the staff speak, as well, but I wanted to thank our speakers who are kind enough to come and share their experience, their ideas, and their information with all of us.

I wanted to thank the staff that has helped organize this. I wanted to thank all of the students, in particular Anisha, who has been one of the driving forces behind this symposium.

I also want to thank you all for coming out and sharing your time with us, as well. I am thrilled about these issues. John Marshall has had a privacy law center for over 30 years. We have had a journal for over 30 years. It has gone through various iterations. JITPL is its newest one. You may have known it either as the Software Law Journal back in the 1980’s, the Journal of Computer and Information Law back in the ’90s, and now in the Twenty-First Century, we are The Journal of Information Technology & Privacy Law.

Further, if you are interested we offer both Masters and LM programs in privacy and information law, we have online courses as well, so that you can actually study more in specifically about data management and privacy issues by taking some of these courses.

If you have any interest in any of this, don't hesitate to contact me. Now, I will get out of the way and let this incredibly dense and interesting symposium get underway.

Thank you, again, for coming.
MR. ADAM FLOREK: Good Morning, my name is Adam Florek; I am the Editor-in-Chief of the Journal of Information, Technology & Privacy Law. As professor Long noted we have been around in one form or another since 1978. The Journal and its predecessors has always been a resource for outstanding legal scholarship and we look forward to carrying that legacy of excellence through the twenty-first century.

Before we begin I would like to take a moment to express my gratitude, thank you all for showing up this Friday morning; I would like to thank the speakers for their time; I would like to thank the administration and staff for all of their support, both moral and, more importantly, financially, and lastly; I want to thank Anisha Mehta. Anisha dedicated countless hours to ensure the successful execution of this event, without her it, none of this would be possible.

Thank you and I hope everyone enjoys the day.

MS. ANISHA MEHTA: Thank you Adam for that introduction. Before we begin I have a few housekeeping matters. The bathrooms are down the hall to the left, and I also want to remind everyone that is here for CLE credit, to sign in and out to ensure that you get credit, because it is a new way to ensure you get credit for the entire day.

That being said, I'd like to, again, thank everyone at the school for helping put this together. I'm really excited for the group of professionals we've assembled here today. Everyone that has been part of this symposium is an expert in IT and privacy jurisprudence. We have some panels that will be discussing workplace privacy and social media issues, protection of data and Cyber-security, the international regulatory impact on data management, and, finally, in-house ethical considerations for analyzing data.

We will also be hearing from FBI's Director of Computer Forensic Laboratory, as well as Supervisory Special Agent at the FBI Chicago's Cyber Division. I'm incredibly excited for this inspiring group of people to present, so I won't further delay you any longer.

Before I present our first panel however, I would like to introduce Jeff Hartman, our sponsor from 4Discovery.

MR. JEFF HARTMAN: Thank you very much.

Well, thank you for including us in your program this year. We are very grateful to be here. Any time we can get a roomful of 80 or 90 people and buy them breakfast and make them listen to us for two minutes, that's a good deal. So thank you for having us. It looks like you've got a great line-up for today.

My company is called 4Discovery. I want to give you just a 90-second elevator speech, and then I want to share with you a story that I
think is relevant and applicable to some of the topics that you're going to talk about today.

So my company does computer forensics. Basically, we help lawyers, information security folks, and clients, and we help them find the digital goodies on computers, laptops, and mobile devices to help them with internal investigations, with litigation or, more particularly, these days, data breach response. So you can imagine responding to data breaches is becoming a great big part of what we do. It's the fastest growing component of our practice.

That concludes the marketing component of my remarks, and now I just want to share a quick story with you.

Last summer, my firm bought about a hundred broken, unusable cell phones on e-Bay. Why would we do that? Well, we did that so that some of our technicians could practice their computer forensic skills on those devices. So we got these things sitting in our lab. Our guys are tearing them apart, doing forensics on them, and what we began to realize quickly, was that almost all of these devices had vast amounts of personally identifiable information still on them, information that the users had no idea was there. These were phones that had been turned back in. You know, people bought a new phone; they turned their old phone in. They thought this stuff would never be recovered, and there it was; text messages, photographs, videos, contacts, phone numbers, personal information all of which would allow anybody to steal their identity, to hack into their systems, to do all kinds of bad stuff. One of the younger guys on our team was amused to discover that one of the cell phone's previous owners appeared to be a professional stripper.

(Laughter.)

So we had a hard time getting that phone out of his hands to recycle it.

(Laughter.)

But I just think that that's an illustration of what is happening with privacy today. Where information is stored is changing rapidly, and the risk ramifications to where it's being stored are exposing the risk profile for all of us.

In closing, I'll just say two words, "human error." Because of the type of work that we do, we usually show up at a workplace after something really bad has happened. And so we see the best and the worst and the ugly of what's going on in the IT world, but one thing is almost always common in each of those things, human error. Maybe it's someone who's using a ridiculously easy password to crack. Maybe it's a doctor who inadvertently leaves his laptop in the back seat while he goes in to have dinner with a colleague and someone steals that laptop, and we
have a 50,000-person HIPAA problem.

Human error is almost always one of the root causes to the issues and the breaches that we see. So I invite you when you go back to your workplaces after this conference and you're helping your clients and you're consulting your team, remember to also focus on the policies, the procedures, the training, and the awareness that goes along with those systems, because the human component is often the weakest link in the chain.

Thank you very much. I hope you guys have a great conference today and thank you for having us as a part of it.