

Indiana Law Update 2022

Internet Law

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#Professional_Responsibility

- NY State Bar Opinion: Lawyer duty for client information on smartphone
 - Apps making request for contact information
 - Rule 1.6 “reasonable efforts”
 - Review the factors in the written materials
 - No Consent? No opting in.
 - Separate smartphone?

#Deep_Fakes

- That looks (and sounds) just like me!
- Technology: AI and Deep Learning
- Countermeasures
 - Microsoft tool through TruePic “trusted visual documentation”
- Rule 1.1 Competence. “...benefits and risks associated with technology relevant to the lawyer’s practice...”

#Social_Media

- Facebook Sunglasses
 - Ray-Ban “Stories shades” and “Facebook View”
 - Calls, music, pictures
 - What could go wrong?
- Facebook Outage (what happened, why is it important?)
- Instagram Kids (effect of social media on kids)

#Apple

- Claim against Spyware (NSO Group)
 - Software “infects” phone allowing monitoring by Pegasus malware
 - Allows access to texts, emails, browsing history, mic and camera
 - NSO claims this is a lawful tool

#Apple

- Legacy Contact
 - Pass along data to another person at a user's death
 - Access Key controlled
- AirTag Update
 - Reminder about what AirTags are
 - Stalking or awareness of stalking?
 - Apple working with law enforcement

#Apple

- 2 new features for photos
- Feature 1:
 - CSAM - Child Sexual Abuse Materials
 - Scans all images and use AI to match images against databases for child pornography and missing children
 - If material found, flagged and sent to human reviewer
 - If confirmed by human, center to National Center for Missing and Exploited Children

#Apple

- 2 new features for photos
- Feature 2:
 - Parental notification of inappropriate imagery sent or received via iMessage
- Concerns
 - Privacy
 - Incorrect identification (e.g., photo of baby with rash)
 - Doesn't work

#Eskenazi_data_breach

- Ransomware in August 2021
- Data held “hostage,” requiring ransom payment.
- Ransom is typically cryptocurrency.
- Cost? \$55,000.00
- Didn't get the data back, before it was posted to dark web
- Indiana Data breach notification requirements
- Ideas to prevent ransomware

#Amazon_Astro

- A home robot linked to other Amazon products (Alexa, Ring, Echo) for security and information
- Expensive
- A robot that wanders around your home with a camera and delivery tray
- Have to set the boundaries for privacy
- Opt-out versus Opt-in

#Genetic_privacy_law

- Protection of residents' genetic data
- Why? Golden State Killer and other perpetrators identified by home genetic testing company kits, raising concerns
- Exceptions and Exemptions apply
- Companies using direct to consumer genetic testing have to tell CA how the data is collected, used, maintained, and/or disclosed

#Write_every_text_like_it_may_be_read_aloud

- Good advice for all written communication
- NFL coaches text, too
- Bill Belichick texts congrats to the wrong Brian
- The text recipient realizes he isn't getting the job that he has yet to interview for
- Brian Flores files a class action lawsuit against NFL because team violates interview rule, which appears to be a sham

#Crypto_voting (or, #The_Power_of_Crypto)

- This is a bit technical
- The person in charge tweets something users don't like
- Users vote their “governance tokens” to “fire” the leader from the position
- Users changed the direction of the group, but ultimately the value of the tokens went down
- The leader still had the ability to influence project direction because of his tokens