

# Your Privacy & Information Security Program: Preventative Care or Open Heart Surgery

Presented by:  
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## Agenda



- Preventative Medicine is good for you
- What you need to be prepared for and why
- Creating convincing arguments for more privacy and information security resources
- Questions

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## Preventative Medicine is Good for You



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**Life lessons applied to privacy and security programs**

- How many of you have heard the following quotes or sayings?
  - An ounce of prevention is worth a pound of cure Ben Franklin
  - An apple a day keeps the doctor away
  - Penny wise, pound foolish
  - Failing to plan is planning to fail Alan Lakein
  - Treatment without prevention is simply unsustainable Bill Gates

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**We all know this but . . .**

- It is still difficult at convince your governing body a good preventative strategy is important
- What can you do to help them put the risk in context?
- What are the resources that can help you, they are not just in health care.

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**Helpful tools to convince your leadership**

- 1 Use the recent Ponemon study
- 2 Benchmark with colleagues
- 3 Find out what the OCR is focusing on

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**Ponemon study** 

- Average cost per record of a data breach is \$221
- Average cost per record in healthcare is \$402
- Total average cost for breach paid by organizations increased from \$6.53 million in 2015 to \$7.01 million in 2016
- About 2/3 or the cost is in indirect costs

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**Responding to data breach takes you away from operations** 

- What is the impact on your program's daily operations?
- What are you spending on responding that would have been better spent on prevention?

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**What you need to prepare for and why** 

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### Preventative care prescriptions

- Know your business associates
- Be prepared for the inevitable breach incident
- Be prepared for an OCR audit or investigation

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### Preventative prescription #1



- Know who your business associates are
- Know whether you have agreements with them
- Know if your agreements have been updated
- Know something about their processes

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### Preventative prescription # 2



Take the pulse of your business associate, how healthy are they?

- Did you ask about their risk assessment process before initiating an agreement with them?
  - Do you do this on an ongoing basis?

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**Preventative prescription # 3**

Be prepared for the inevitable breach incident

The average cost for mitigating a data breach is over \$400 per record  
Ponemon 2016 Cost of Data Breach Study: United States

OCR website - 25% of the complaints from Hawaii are investigated

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**Preventative prescription # 3**

- Are you looking at your system to see if there is inappropriate activity
  - As of 9/30/16 only 4 entities in Hawaii had reported breaches of over 500 individuals



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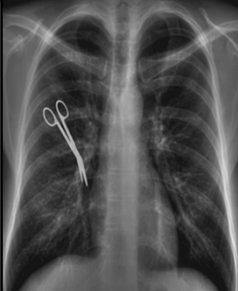
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**Preventative prescription # 3**



- How do you prepare to respond when you find something
- Have you identified
  - Who will be involved?
  - Who will decide if notification is necessary?

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**Preventative prescription # 3**



- Do you have agreements in place for potentially needed vendors?
- What would a significant settlement mean to the health of your organization?

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**Preventative prescription # 3 cont.**

OCR is well in to Phase II of its audit program

While you might not have been selected for a desk audit you could be selected for a more extensive onsite audit

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**Is selected for an audit are you prepared?**

- OCR has set specific timelines
  - Covered entities will not get “credit” for documents produces after the deadline
- Lack of comprehensive risk assessments and ongoing risk management has been a key findings
  - Phase I of the audits
  - A number of the resolution agreements

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**Questions** ?

Questions?

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