

Report on Patient Privacy Volume 19, Number 2. February 28, 2019 RPP Patient Privacy Court Case: February 2019

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◆ **Insurer CareFirst Successfully Shakes Most of Policyholders' Data Breach Claims.** On January 30, 2019, U.S. District Judge Christopher R. Cooper dismissed, for the second time, a majority of policyholders' claims in a putative class action against CareFirst regarding a 2014 data breach. The judge ruled that the alleged injuries were not sufficient to establish actual damages for most of the claims. Judge Cooper originally dismissed the suit against the health insurer in 2016 for lack of Article III standing. The United States Court of Appeals for the District of Columbia Circuit subsequently reversed that decision in August 2017, holding that the policyholders had "cleared the low bar to establish their standing at the pleading stage" by asserting that there was a substantial risk that their stolen personal information could be used for "ill" purposes—even though such information had yet to be misused.

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