

Report on Patient Privacy Volume 22, Number 10. October 06, 2022 Patient Privacy Court Case: October 2022

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On Sept. 9, Ambry Genetics and co-lead counsel for the proposed class for *In re: Ambry Genetics Data Breach Litigation* filed a joint declaration to the U.S. District Court for the Central District of California, Southern District, in support of a motion for preliminary approval of class action settlement.^[1] In the joint declaration, the parties had agreed to settle the action stemming from a data breach in response to Ambry Genetics' commitment to pay over \$12.25 million into a settlement fund.

In April 2020, Ambry Genetics, a genetic testing company, announced that in January 2020 it had experienced a security incident during which unauthorized parties allegedly accessed an employee's email account and obtained the personally identifiable information (PII) and protected health information (PHI) of more than 225,000 patients. Affected PII and PHI included names, dates of birth, Social Security numbers, diagnosis information and other sensitive information. Following the breach, four class action complaints were filed against Ambry Genetics, alleging that the company had failed to safeguard patients' PII and PHI concerning the incident. The complaints were subsequently consolidated into the instant action. The fourth and final amended complaint alleged negligence, invasion of privacy, breach of implied contract, unjust enrichment, violation of the Illinois Genetic Information Privacy Act, violation of the California Confidentiality of Medical Information Act and three counts related to violations of California state law on fair business practices and consumer protections.

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