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Fla. University Hit With Class Action Over Data Breach

By Alex Wolf

Law360, New York (February 5, 2016, 9:44 PM ET) -- The University of Central Florida was hit with a proposed class action in Florida federal court on Friday alleging the university failed to adequately safeguard personal data when a recent hack exposed the confidential data of 63,000 current and former students and employees.

The suit comes a day after **UCF announced** that a data breach from January exposed the names, Social Security numbers and other identifying information of 63,000 current and former student-athletes and employees. The complaint filed Friday by named plaintiffs Anthony Furbush and Logan Berkowitz, accuses the school of failing to take adequate measures to protect their personally identifiable information, or "PII," and placing them "in danger of identity theft and possible fraud and abuse."

"Plaintiffs and the class have suffered irreparable damage and will continue to suffer irreparable damage from the misuse of their PII," the complaint said. "As a proximate result of this breach, plaintiffs and the class have had their PII compromised, their privacy invaded, have incurred or will incur out-of-pocket costs, and have otherwise suffered economic damages."

In addition to accusing the school of not doing enough to protect their sensitive information, the plaintiffs also claim that they were put at greater risk of identity theft or fraud because the school did not provide them with timely notice of the breach, waiting more than a month to do so.

"UCF owed a duty to plaintiffs and the class to notify them about the breach within a reasonable amount of time under the circumstances, which it failed to do, exposing plaintiffs and the class to additional harm," the suit said.

The school discovered the breach last month, according to the announcement on the UCF website. It then notified law enforcement, engaged a cybersecurity firm to conduct an internal investigation and started to review its security procedures, the school said.

The affected employees — a group including resident assistants at campus housing, student leaders and faculty who have taught extra courses — had their names, Social Security numbers and school employee ID numbers compromised, according to the school.

The university said the incident had also exposed information on some current student-athletes as well as those who played for the school in 2014 and 2015.

The compromised data includes the players' names, Social Security numbers and student ID numbers, as well as information on their course loads, what sport they play and whether the school recruited them or if they had signed up on their own, according to the university.

The plaintiffs allege two claims for negligence against the school for "failing to adequately protect the PII stored on its computer systems from a reasonably foreseeable breach," failing to encrypt data, failing to conduct regular security audits and failing to inform them of the breach in a timely

manner, among other causes.

They also accuse the school of violating the Florida Deceptive and Unfair Trade Practices Act and the Federal Education Rights and Privacy Act.

The suit asks that UCF be required to adequately safeguard the personal data of class members, take measures to prevent future breaches, engage in a "correct notice campaign" and award damages and attorneys' fees to the class.

On Thursday, the university responded to the data breach by offering the affected students and employees a year of free credit monitoring and identity protection services, an overture that is becoming standard in organizations hit by hackers.

The university did not immediately respond to a request for comment Friday evening.

The plaintiffs are represented by Joshua H. Eggnatz and Michael J. Pascucci of Eggnatz Lopatin & Pascucci LLP.

Counsel for the university was not immediately available Friday.

The case is Anthony Furbush et al. v. University of Central Florida Board of Trustees, case number 6:16-cv-00204, in the U.S. District Court for the Middle District of Florida.

— Additional reporting by Jody Godoy. Editing by Ben Guilfoy.

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