

VLP Partner Michael L. Whitener Authors a Guest Post for Thomson Reuters Legal Current, “Ashley Madison Hack: There is No Such Thing as Guaranteed Data Security”

VLP Partner Michael Whitener wrote an article for *Thomson Reuters Legal Current* titled “Ashley Madison Hack: There Is No Such Thing as Guaranteed Data Security.” The article noted that the typical website privacy policy begins by telling you earnestly, “We understand privacy is important to you.” That assurance takes on special meaning if the website’s mission is to help philandering husbands and wives engage in covert affairs.

The article provided a brief overview of the Ashley Madison site, an online dating service owned and operated by Avid Dating Life, Inc. that has attracted some 37 million registered members. As has been widely reported, the Ashley Madison servers were hacked earlier in July. The article went on to note that the hackers claiming responsibility for the cyberattack are threatening to release the names, passwords and financial transactions of Ashley Madison members if the website is not shut down (which was subsequently done).

Every major data breach gives rise to questions of liability, and the Ashley Madison breach is no exception. The article explores these issues. The threshold question is: what security promises did Ashley Madison make to its members when they joined?

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