

Privacy & Security

The frictionless flow of information is a defining feature of today's information economy. The ability to transfer customer data, employee files, financial records, and other information around the globe quickly and cheaply has opened up a world of opportunity for many businesses.

In our global environment where privacy laws vary by jurisdiction and are interpreted unpredictably, even the most conscientious company can make a false step as it captures, uses, transfers, and discloses personal information. The consequences can be serious and even devastating: heavy fines, injunctions, government audits, even criminal liability. Perhaps, more importantly, companies that run afoul of privacy and data protection standards may suffer damaging media attention.

Our practice, ranked by Chambers USA: America's Leading Lawyers for Business and Chambers Global, draws upon broad experiences related to technology, health, communications, antitrust competition, and consumer protection to counsel clients on a day-to-day basis regarding their privacy and data security policies and assist with the formulation and implementation of policies and best practices for information management that are compliant with the changing and growing body of international, federal, and state privacy statutes.

We are proud to say that we are one of the few law firms in the Northeast to have multiple attorneys with certifications issued by the International Association of Privacy Professionals, recognizing facility with and knowledge of privacy and security processes and procedures. We provide general business counseling and advise clients in relation to their corporate transactions, international business operations, and public policy development; conduct privacy audits, gap analyses, and risk assessments; and manage the investigation, mitigation, and resolution of any privacy and security breaches.

Quick Facts

- Thought leadership delivered through our Privacy & Security blog, privacyandsecuritymatters.com
- Advise clients on US federal and state laws related to data protection and data breach notification
- In-depth familiarity with the EU
 Data Protection Directive and requirements in EU member states and other international jurisdictions
- Interdisciplinary practice serving a wide range of industries

Experience

- Ongoing advice to a global company operating in more than 140 countries on development of global data privacy strategy and compliance infrastructure.
- Ongoing privacy compliance advice to a company providing educational software and services to over 3,700 educational institutions in more than 60 countries.
- Developed multistate HIPAA and Red Flags privacy compliance infrastructure for a US based biosciences company specializing in the development and commercialization of clinically-validated molecular diagnostics and anatomic pathology services.
- Ongoing global privacy compliance advice to a global information and content company traded on the London Stock Exchange.
- Multistate privacy compliance and advice to an athletic club with facilities in Massachusetts, New York, Washington, DC, and California.
- Consumer privacy advice (online and offline) to a leading publicly held warehouse club operator. Work with the client to ensure compliance with a Federal Trade Commission consent order requiring extensive privacy safeguards and audits, including during launch of the company's first e-commerce site.
- Ongoing privacy advice on global compliance with data privacy and bank secrecy laws to the leading independent analytics provider for derivatives and structured products, enabling the structuring, pre-trade pricing, valuation, and management of even the most complex deals.
- Ongoing data privacy and security compliance advice to an interactive marketing and media company in the business of producing and distributing premium new age, metaphysical, and psychic entertainment services.
- Managed Safe Harbor certification program for a leading web-enabled energy demand-response management solutions provider, and coordinated registration with UK Data Protection Authority for UK subsidiary. Developed enterprise-wide information security program and conducted training of employees.
- Ongoing privacy compliance advice to association representing all of the cable television multiple system operations in the United States with respect to collection and use of cable subscriber data under the federal Cable Subscriber Privacy Act and legislative updates relating to drafts of federal privacy legislation.
- Ongoing privacy compliance advice (online and offline services) to a major cable television content provider (music television), with respect to collection and use of data (particularly in connection with federal Children's Online Privacy Protection Act).
- Ongoing global privacy and security advice for a provider of a global notification platform, and assistance with navigation of data collection and data use issues in multiple jurisdictions.
- Ongoing multistate (and HIPAA) privacy and security advice to an innovative online health care company that allows consumers to interact with physicians immediately using web-based technologies and management of privacy and security negotiations with major providers and insurers who are customers of our client.
- Ongoing consumer privacy advice (online and offline) to a manufacturer/ supplier of non-toxic household products.

Areas of Focus

- Cable privacy
- Children's privacy
- Consumer and employee privacy
- Consumer protection litigation
- · Data breach litigation
- Data breach response and notification
- · Data retention policies
- · Data security
- · Data sharing
- · Direct marketing
- Education privacy
- · Financial privacy
- General privacy and data security compliance
- Health and pharmaceutical privacy
- Identity theft risk "red flags" and mitigation
- · International privacy laws
- Online advertising and behavioral marketing
- · Payment card data security
- · Privacy and data security audits
- · Retailer and point-of-sale (POS) privacy
- Telecommunications privacy
- Utilities privacy

Isn't it time to connect?

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