



Elaine F. Harwell, Senior Counsel and Privacy Officer

Practice Areas	Litigation, Corporate and Commercial Privacy and Cybersecurity Insurance Recovery Software
Admissions	California New York New Jersey U.S. District Court Southern, Central and Eastern District of California U.S. District Court Southern and Eastern District of New York U.S. District Court District of New Jersey
Languages	Cantonese
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Professional Summary

Elaine F. Harwell is a Co-Leader of Procopio's Privacy and Cybersecurity practice group and the firm's Privacy Officer. Elaine is an experienced business litigation attorney and a trained privacy professional. Her practice focuses on representing clients in privacy and data security matters, including litigating claims involving privacy issues, helping clients manage emerging risks and conduct privacy risk assessments, and advising on regulatory and compliance issues. Elaine thrives on counseling clients through a complex and ever-changing data privacy landscape and strives to find effective business solutions for clients in every situation.

Elaine has also been involved in numerous trials as well as arbitration proceedings related to contract and general business disputes, trade secret matters, complex unfair competition and business practice



claims, and professional liability. She has earned the ANSI-accredited Certified Information Privacy Professional/United States (CIPP/US) and the Certified Information Privacy Manager (CIPM) credentials through the International Association of Privacy Professionals (IAPP). Elaine is also a frequent speaker and writer on legal issues surrounding privacy and data governance.

Elaine is a member of [Procopio's COVID-19 Legal Resources Team](#).

Representative Matters

- Represented rehabilitation center in litigation involving privacy violations and Confidentiality of Medical Information Act claims.
- Litigated multiple consumer class action cases involving privacy issues and claims of unfair business practices.
- Assist organizations with complying with various data privacy and security laws, including the California Consumer Privacy Act.
- Work with clients to build data privacy programs, including forming policies and procedures around data privacy and cybersecurity.
- Represented communications and technology company through trial in a multi-million dollar breach of contract and trade secret dispute.
- Successfully defended national accounting firm against claims of breach of contract and unfair competition and business claims in state court trial and on appeal.

Recognitions

- *San Diego Business Journal* – “Best of the Bar” – 2015-2016
- *San Diego Super Lawyers*® – Rising Star – 2015-2018
- ANSI-accredited Certified Information Privacy Professional/United States (CIPP/US), International Association of Privacy Professionals (IAPP)
- ANSI-accredited Certified Information Privacy Manager (CIPM), IAPP

Community

- California Lawyers Association, Privacy Law Section Executive Committee



- San Diego County Bar Association's Service Members Civil Relief Act Pro Bono Panel Program, assisting active duty military personnel
- Lawyers Club of San Diego, active leader and member
- Association of Business Trial Lawyers – San Diego, member
- International Association of Privacy Professionals, member
- Meritas, Vice Chair of US/Canada Data Privacy Practice Group

Education

- JD, Seton Hall University School of Law, 2004
- BA, University of California, Los Angeles, 2000

News Coverage

- "[What Businesses Need to Know About the California Consumer Privacy Act](#)," *Business Law Today*, October 7, 2019.

Seminars

- Co-presenter. "What the Future Holds for Enforcement of Privacy Laws: What to Expect from Privacy Regulators and How to Respond," February 9, 2021. [Video](#) and [PowerPoint](#).
- Co-presenter. "Latest Legal Issues In The U.S. and China In The New Biden Era - Data Privacy and Export Control Laws," an HHP and Wolters Kluwer webinar, January 21, 2021.
- Speaker. "The Legal Implications of the PCI Data Security Standard," November 5, 2020, PCI Expert Summit, RSI Security.
- Co-presenter. "GDPR & the Basics of Data Privacy," October 2, 2020, San Diego Regional EDC, MetroConnect presentation.
- Co-presenter. "Overview of California Privacy Rights Act of 2020," September 17, 2020, IAPP, San Diego Chapter.
- Panelist. "CCPA Enforcement – The Actions Have Begun!" August 13, 2020, Privacy OC Webinar.
- Co-presenter. "[Part One: Navigating Anticipated CCPA Enforcement & Mitigating Litigation](#)," July 21,

2020, Procopio and Association of Corporate Counsel, San Diego Chapter Webinar.

- Co-presenter. “Litigation: Big Changes or Minor Tweaks – Considerations for Managing (and Adapting) Litigation in the New Normal,” June 18, 2020, Procopio Webinar.
- Panelist. “Trade Secrets and Cybersecurity in the COVID-19 World: Tips and Trends,” May 20, 2020.
- Panelist. “Key Privacy and Cybersecurity Issues to Address During COVID-19,” April 2, 2020.
- Panelist. “CCPA. Opens the Floodgates of Litigation. Or Does it?” Privacy OC Conference, Tustin, California, January 28, 2020.
- Panelist. “The California Consumer Privacy Act of 2018,” Procopio Webinar, San Diego, December 5, 2019.
- Speaker. “California Consumer Privacy Act: The Basics,” Kojima Law Seminar, Tokyo, Japan, November 19, 2019.
- Panelist. “Key Legal Issues in California,” TMI Associates Seminar, Tokyo, Japan, November 18, 2019.
- Panelist. “Data Protection & Privacy and its Effects on Businesses Worldwide,” Meritas Asia Regional Meeting, Manila, Philippines, November 14, 2019.
- Speaker. “Data Privacy for Startups,” Procopio seminar for Launchpad Incubator Program, San Diego, November 6, 2019.
- Panelist. “CCPA Summit: Privacy, Technology, and Law Firm Growth in the Digital Age,” Alameda County Bar Association, Oakland, California, November 1, 2019.
- Speaker. “Updates on Data Privacy in California and the United States,” LINE and Intertrust Privacy Summit, Paris, October 29, 2019.
- Speaker. “What You Don’t Know Can Hurt You (Part II): Top Tips for Minimizing Your Data Breach Risks,” Access Silicon Valley, Silicon Valley, October 23, 2019.
- Panelist. “Global Privacy Update,” LINE X / Intertrust Privacy Summit Fall 2019, Paris, France, October 29, 2019.
- Speaker. “What You Don’t Know Can Hurt You Part I: The Top 3 Data Privacy Laws Every Startup Needs to Know About,” Access Silicon Valley, Silicon Valley, September 25, 2019.
- Moderator. “The Privacy Tsunami: The GDPR is here. The CCPA is coming. Have you prepared?”



Keizai Silicon Valley, Silicon Valley, September 24, 2019.

- Speaker. "Compliance Seminar: A New California Privacy Law Goes into Effect in 2020," Procopio Seminar, Silicon Valley, September 12, 2019.
- Panelist. "You've Been Hacked!" Mortgage Innovators Conference, San Diego, August 12, 2019.
- Panelist. "Become Cyber-Trained In-House Counsel, Part Three," Procopio seminar with ACC San Diego, May 21, 2019.
- Moderator. "Become Cyber-Trained In-House Counsel, Part Two," Procopio seminar with ACC San Diego, April 16, 2019.
- Panelist. "Become Cyber-Trained In-House Counsel, Part One," Procopio seminar with ACC San Diego, March 26, 2019.
- Speaker. "The California Consumer Privacy Act: What You Need to Know Now," ACC San Diego, March 14, 2019.
- Speaker. "GDPR & CCPA Workshop," San Diego Regional Economic Development Council, February 26, 2019.
- Panelist. "Private Eyes are Watching You: The Lawyer's Role in Cyber Security and Data Privacy," Public Interest Law Foundation, Thomas Jefferson Law School, September 7, 2018.
- Moderator. "An Update on Cyber Insurance: Emerging Insurance Coverage & Allocation Issues," Perrin Conference, Philadelphia, April 11, 2018.
- Panelist. "Cyber Security Panel Discussion," inewssource, San Diego State University, April 3, 2018.
- Speaker. "Privacy Litigation Update," DRI Cybersecurity and Data Privacy Conference, Chicago, September 7, 2017.
- Panelist. "Nightmares on Cyber Street: Recent Developments in Data Privacy Litigation and Cyber Insurance Coverage," San Diego County Bar Association, October 17, 2016.

Publications

- Co-author. "[Ransomware Attacks Are On The Rise: Are You Prepared?](#)," October 30, 2020.
- "[Just When You Thought You Had a Handle on California Consumer Privacy Law: Significant Recent Developments in the California Consumer Privacy Law Landscape](#)," October 27, 2020.



- [“Data Privacy and Cybersecurity Considerations During the COVID-19 Pandemic,”](#) March 24, 2020.
- [“The California Consumer Privacy Act’s Applicability to Tribes and Tribal Gaming Enterprises,”](#) January 2020
- [“Privacy Regulations Proposed for CCPA by CA Attorney General,”](#) October 21, 2019.
- [“Keeping Up With the Latest on the California Consumer Privacy Act,”](#) August 5, 2019.
- [“What Will the California Consumer Privacy Act Actually Bring in 2020?,”](#) May 23, 2019.
- [“Expanded Private Right of Action Proposed for California Consumer Privacy Act,”](#) February 27, 2019.
- “No Signs of Slowing Down: Privacy Litigation Update,” *For the Defense (DRI)*, October 2017.
- “You May Not be Covered for that Fraudulent Wire Transfer,” *Law360*, November 4, 2016.