

## Privacy and Cybersecurity

The global economy is driven by data, but the regulatory landscape of collecting, distributing and protecting data has never been more complex. Whether it's the U.S. government, various state governments, or other countries or geographic blocks such as the European Union, regulations increasingly govern the information critical to your enterprise's success. Many industries, such as health care and financial services, find themselves under additional data management obligations. Failing to comply with applicable regulations or suffering a data breach could have disastrous consequences on your business. We work with a global network of law firms to meet our clients' needs in every market. Procopio's Privacy and Cybersecurity Practice Group includes attorneys with a range of backgrounds and experience to work with the unique data practices of your business to ensure critical information management throughout the data lifecycle.

### OUR SERVICES

- Provide legal counsel on all aspects of data management, including creation, storage, use, commercialization, retention and deletion
- Work with clients to ensure compliance with international, federal and state regulations (E.U. GDPR, CAN-SPAM, COPPA, CalECPA, CDA, FERPA, etc.)
- Provide legal guidance on industry-specific regulations, such as health care (HIPAA) and financial services (FCRA)
- Ensure legal compliance involving cross-border data transfers
- Develop cybersecurity prevention and response plans with clients
- Conduct due diligence on cyber-related issues through corporate transactions including mergers & acquisitions
- Manage litigation providing defense against privacy and data security class action suits
- Counsel during state or federal wiretap and white collar investigations
- Counsel employers on securing trade secret data and managing theft
- Advise employers on legally monitoring and managing employee cyberactivity
- Monitor and assist in effecting new legislation
- Provide guidance on direct marketing strategies

- Craft corporate privacy policies
- Draft online privacy policies in a variety of industries for compliance with the California Online Privacy Protection Act and other applicable privacy laws
- Nationally recognized experts in electronic discovery and information governance including through The Sedona Conference and CPII/US Certified

## REPRESENTATIVE MATTERS

- Represented telecommunications company under government investigation for violations in connection with the management of customer records containing Personally Identifiable Information (PII), negotiated a successful settlement of the matter before litigation
- Represented regulators, financial institutions and investment companies in investigations of regulatory violations, data breaches and preventing and mitigating identity theft
- Addressed privacy matters in search warrants and subpoenas
- Obtained judgment and costs defending a leading online publishing platform in a case involving Communications Decency Act, US SPEECH Act, and First Amendment issues (one of the first data privacy cases involving the US SPEECH Act)
- Assisted a cybersecurity company in recruiting its board of advisors, raising more than \$2 million in convertible debt and entering into marketing partnerships with one of the world's largest telecom companies
- Worked with a cybersecurity company in formulating its intellectual property protection strategy, coaching its software development team on the pitfalls of open source software, and navigating U.S. export controls imposed on encryption technologies
- Advised a cybersecurity company in contracting with independent contractors and employees, using primarily options as compensation
- Represented health care client in investigation, reporting and resolution of business associate's theft of medical records of approximately 150,000 patients including coordination with law enforcement, reports to regulators, notices to individuals and publication to media
- Successfully defended health care provider client in court action brought by unrelated third party seeking deceased patient medical and other records through invalid subpoena

- Represented companies and individuals in white collar criminal investigations and proceedings
- Counseled cutting edge web-based digital technology companies concerning all aspects of their online privacy obligations and website and mobile application Privacy Policies and Terms of Use
- Successfully prosecuted the investigation of an internet company regarding use of client lists and automated calling systems (robo-calls)
- Counseled cutting-edge web-based digital medicine technology companies concerning all aspects of their online privacy obligations and website and mobile application Privacy Policies and Terms of Use

## RESOURCES

### California Privacy Rights Act

- ARTICLE: "[Six Key Things To Know About The Recently Passed Prop 24 \(CPRP\)](#)," Partner Frederick K. Taylor, November 5, 2020.
- ARTICLE: "[Just When You Thought You Had a Handle on California Consumer Privacy Law: Significant Recent Developments in the California Consumer Privacy Law Landscape](#)," Senior Counsel Elaine F. Harwell, October 27, 2020.
- WEBINAR: "[What the Future Holds with the Passage of the California Privacy Rights Act](#)," Partners Frederick K. Taylor and Carole J. Buckner, August 18, 2020.
- ARTICLE: "[Even More Stringent Consumer Privacy Restrictions May be Imposed on Businesses Operating in California](#)," Associate Nicholas Kawuka, August 12, 2020.

### California Consumer Privacy Act

- WEBINAR: "[Navigating Anticipated CCPA Enforcement & Mitigating Litigation](#)," Partner Mindy M. Morton, Senior Counsel Elaine F. Harwell, and Callaway Senior Corporate Counsel Rebecca Hanovice, July 21, 2020.
- WEBINAR: "[Cybersecurity and Privacy Considerations During COVID-19 Pandemic](#)," Senior Counsel Elaine F. Harwell, April 2, 2020.
- ARTICLE: "[Data Privacy and Cybersecurity Concerns During the COVID-19 Pandemic](#)," Senior Counsel Elaine F. Harwell, March 24, 2020.

- WEBINAR: "[The CCPA is Coming: Are You Ready? A Procopio Webinar](#)," Procopio Partners Frederick K. Taylor and Carole J. Buckner and Senior Counsel Elaine F. Harwell, December 4, 2019.
- ARTICLE: "[The Challenge Under CCPA of Verifying the Identities of Consumers Making Personal Data Requests](#)," Partner Frederick K. Taylor, November 5, 2019.
- ARTICLE: "[Proposed California Consumer Privacy Act Regulations Address Notice Requirements](#)," Partner Carole J. Buckner, October 24, 2019.
- ARTICLE: "[Privacy Regulations Proposed for CCPA by CA Attorney General](#)," Senior Counsel Elaine F. Harwell, October 21, 2019.
- ARTICLE: "[Keeping Up With the Latest on the California Consumer Privacy Act](#)," Senior Counsel Elaine F. Harwell, August 5, 2019.
- ARTICLE: "[What Will the California Consumer Privacy Act Actually Bring in 2020?](#)" Senior Counsel Elaine F. Harwell, May 23, 2019.
- ARTICLE: "[Expanded Private Right of Action Proposed for California Consumer Privacy Act](#)," Senior Counsel Elaine F. Harwell, February 28, 2019.
- ARTICLE: "[California Passes Landmark Consumer Privacy Law: What You Need to Know](#)," Associate Nicholas Kawuka, June 29, 2018.

## **COVID-19**

- WEBINAR: "[Trade Secrets, Data Privacy and Cybersecurity in the COVID-19 World](#)," Partner Mindy M. Morton, Senior Counsel Elaine F. Harwell, and Ensign's Robert Gillette, May 20, 2020.
- WEBINAR: "[Cybersecurity and Privacy Considerations During COVID-19 Pandemic](#)," Senior Counsel Elaine F. Harwell, April 2, 2020.
- ARTICLE: "[Data Privacy and Cybersecurity Concerns During the COVID-19 Pandemic](#)," Senior Counsel Elaine F. Harwell, March 24, 2020.

## **Litigation**

- WEBINAR: "[Navigating Anticipated CCPA Enforcement & Mitigating Litigation](#)," Partner Mindy M. Morton, Senior Counsel Elaine F. Harwell, and Callaway Senior Corporate Counsel Rebecca Hanovice, July 21, 2020.

- WEBINAR: "[The Cybersecurity Deficiencies that Create Liability: What You Must Know and Should Do](#)," Partner Frederick K. Taylor and Cybersecurity Expert Sai Huda, July 8, 2020.
- WEBINAR: "[Trade Secrets, Data Privacy and Cybersecurity in the COVID-19 World](#)," Partner Mindy M. Morton, Senior Counsel Elaine F. Harwell, and Ensign's Robert Gillette, May 20, 2020.
- ARTICLE: "[Why Companies Should Care About Increasing Criminal Enforcement of Trade Secret Theft](#)," Partner Mindy M. Morton, September 3, 2019.
- ARTICLE: "[Expanded Private Right of Action Proposed for California Consumer Privacy Act](#)," Senior Counsel Elaine F. Harwell, February 28, 2019.

### **Cybersecurity**

- WEBINAR: "[The Cybersecurity Deficiencies that Create Liability: What You Must Know and Should Do](#)," Partner Frederick K. Taylor and Cybersecurity Expert Sai Huda, July 8, 2020.
- ARTICLE: "[Tips for Preventing and Addressing Randomware Attacks At Your Government or Casino](#)," Partner Frederick K. Taylor, July 6, 2020.
- WEBINAR: "[Trade Secrets, Data Privacy and Cybersecurity in the COVID-19 World](#)," Partner Mindy M. Morton, Senior Counsel Elaine F. Harwell, and Ensign's Robert Gillette, May 20, 2020.
- WEBINAR: "[Cybersecurity and Privacy Considerations During COVID-19 Pandemic](#)," Senior Counsel Elaine F. Harwell, April 2, 2020.
- ARTICLE: "[Data Privacy and Cybersecurity Concerns During the COVID-19 Pandemic](#)," Senior Counsel Elaine F. Harwell, March 24, 2020.
- ARTICLE: "[Developing an Incident Response Plan for a Cyber Attack](#)," Partner Carole J. Buckner, April 17, 2019.

### **Trade Secrets**

- WEBINAR: "[Trade Secrets, Data Privacy and Cybersecurity in the COVID-19 World](#)," Partner Mindy M. Morton, Senior Counsel Elaine F. Harwell, and Ensign's Robert Gillette, May 20, 2020.
- ARTICLE: "[Why Companies Should Care About Increasing Criminal Enforcement of Trade Secret Theft](#)," Partner Mindy M. Morton, September 3, 2019.
- ARTICLE: "[5 Steps to Keeping Your Trade Secrets Secret](#)," Partner Mindy M. Morton, February 7,

2018.