



Cybersecurity and Privacy

Advances in technology, a balkanized legal framework, the vast amounts of personal data now being collected, processed, stored and shared, and global cybercrime continue to challenge multinational companies managing cybersecurity and privacy concerns. New laws are being created at the state, national and international levels, with more certain to come. All US states have enacted data breach notification laws; regulators pursue increasingly strict penalties; and private plaintiffs bring actions after data breaches, alleged privacy violations and the alleged failure of companies to comply with data security laws.

PRACTICE AT A GLANCE

- We have experience in nearly every industry and jurisdiction, giving us broad perspectives on the unique challenges our clients face. We proactively work with our clients to address their most complex and sensitive issues.
- Our internationally recognized team brings together privacy, corporate governance, litigation, FTC, SEC, financial, healthcare and national security experience to navigate clients through multifaceted responses to complex privacy issues, cyber compliance and incident response, and transactions involving personal information.
- We provide privacy and data security counseling services on cutting-edge issues such as online and mobile advertising, big data analytics, AI law and ethics, connected cars and autonomous vehicles, to name a just a few.
- We also routinely engage in due diligence and contract negotiations for corporate transactions, development of appropriate global compliance policies as well as compliance policies for new laws such as the California Consumer Privacy Act, and risk evaluations across national and state laws.
- We have assisted clients in responding to many of the most significant data breaches in history. We deploy crisis management, incident response and technical forensics, helping clients through every aspect of breaches, including government investigations, consumer and government notifications, and private-party litigation.
- Our lawyers include former senior officials from the DOJ, FBI, DHS, FTC, DOD, the Director of National Intelligence, CIA and the Executive Office of the President. We are highly ranked—both as individuals and as a practice—across lawyer ranking services.

30%

Of companies report that they are currently compliant with the CCPA

12%

Of companies report that they have no plans to be compliant with the CCPA

\$3.92 Million

Average cost of a data breach in 2019



Of organizations would be unable to detect a sophisticated breach.

Source: EY Global Information Security Survey 2018-19

EXPERIENCE

- Represent major technology companies on a broad range of state and federal privacy investigations. We routinely defend—and win—investigations by the FTC, state Attorneys General, and DPAs around the world.
- Advise clients across industries on all aspects of security incident and breach response, from notice obligations and crisis management to representing companies in resulting government inquiries and litigation.
- Provide cutting-edge advice on healthcare de-identification and medical research activities.
- Advise stakeholders across the healthcare system on other privacy, device security, data security and breach notification matters, covering a broad range of issues under HIPAA, supplemental state healthcare regulations, the Common Rule and a broad range of other laws and principles impacting healthcare entities.
- Provide strategic advice for companies considering data analytics activities, covering big data analytics in the healthcare, financial services, retail, advertising and other sectors.
- Advise automakers with respect to cutting-edge issues related to vehicle cybersecurity; vehicle-to-vehicle communication; and novel privacy issues associated with the collection, use and disclosure of telematics data collected by the vehicles.
- Advise publishers (online and on mobile apps), advertisers, analytics companies, and advertising intermediaries on the ever shifting legal landscape of tracking and targeting.
- Provide comprehensive due diligence, risk assessments and contract drafting relating to privacy and data security aspects of all forms of transactions in the US and globally.
- Provide strategic reviews to help companies evaluate risks and company controls as well as governance and response planning (including breach readiness).
- Assist clients in making transfers of personal data from the EU to the United States using a variety of methods, including self-certification to the Privacy Shield and the use of model contract clauses.
- Help clients comply with the comprehensive and complex General Data Protection Regulation and the California Consumer Privacy Act.

For more information, please contact:

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ACCOLADES

- **Chambers** recognized WilmerHale as a leading firm for privacy and data security in its 2020 US and global editions, and recognized Partners Reed Freeman, Kirk Nahra and Benjamin Powell as nationwide leaders. Sources said:
 - “The team gets under the covers of the issues, understands the evolving landscape and takes all factors into account.”
 - Mr. Freeman is just brilliant and a heavyweight in pure privacy.”
 - Mr. Nahra is efficient, responsive and very thorough with his work. He is really a source of knowledge and balances all he knows with what’s best for his clients.”
 - Mr. Powell is terrific and can do it all. He draws from his national security background. He’s the real deal.”
- **The Legal 500 United States** recognized our group in the 2019 edition for cyber law, including data privacy and protection.
- **Washingtonian** named Mr. Freeman, Mr. Nahra and Mr. Powell to its 2018 list of DC’s best cybersecurity lawyers.