

BakerHostetler

Privacy Governance and Technology Transactions



100+

Attorneys and technologists who focus on digital assets and risks

Recognized in
Chambers Global for the USA

Privacy & Data Security (USA)
(2014 to 2021)

Privacy & Data Security:
Healthcare Spotlight Table – Nationwide
(2018 to 2021)



Baker & Hostetler LLP

“Sought after for its wide-ranging compliance advice.” – *Chambers USA 2021*

Four-Time Law360 Privacy Practice Group of the Year

Strong, proactive privacy governance and technology strategy is vital to every business today. Our national team counsels clients on how to reduce or eliminate risk through rigorous review of policies that may pose privacy and security risks, as well as advises on strategic acquisitions of technology.

We work with the key personnel who have responsibility for privacy and security and for technology infrastructure, including chief information and privacy officers, marketing team leaders, compliance officers, finance leaders and in-house legal teams. Our incident response experience and regulatory knowledge mean we are uniquely qualified to examine both internal and privacy governance policies. Our deep understanding of technology positions us to advise clients regarding the best practices for technology transactions, including negotiating agreements regarding cloud services and technology infrastructure as well as data ownership and other key issues that arise when companies do business together.

Privacy compliance

We advise clients on how to develop and maintain consumer privacy programs. In addition, we help clients assess privacy impacts and employ privacy by design to balance commercial and consumer interests and to craft transparent, accurate and customer-friendly notices regarding data practices.

Attorneys on our Privacy Governance and Technology Transactions team work alongside members of other teams within the Digital Assets and Data Management Group in order to leverage key skill sets. For example, we often benefit from the deep experience and various relationships with state attorneys general and other regulatory officials held by attorneys across the Group. These two factors allow us to deal efficiently with investigatory inquiries and often result in positive dispositions, including the conclusion of investigations without any charges being brought.

Our experience encompasses:

- U.S. Consumer privacy laws such as the CCPA, CPRA and CPDA
- General Data Protection Regulation (GDPR)
- Attorney General privacy investigations related to data collection and use
- Data localization and retention laws
- The Children’s Online Privacy Protection Act (COPPA)
- Gramm Leach Bliley Act (GLBA)
- Telephone Consumer Protection Act (TCPA) and CAN-SPAM Act compliance
- Federal Trade Commission matters
- The Fair Credit Reporting Act (FCRA)

Technology contracts

Our team has a well-grounded understanding of transactions involving the use, licensing, acquisition and commercialization of data and technology. We review, negotiate and draft agreements and agreement provisions regarding:

- Cloud computing
- Data ownership and data protection
- The PCI Data Security Standard and protected health information
- Service level agreements
- Software
- Hardware
- Mobile data and commerce
- E-commerce
- Back offices and infrastructure
- Outsourcing

We handle agreements involving all forms of cloud service (SaaS, IaaS, PaaS), video game development, mobile apps, music distribution, geolocation, payment processing, fraud prevention, data analytics and digital advertising.

In addition, as companies everywhere undergo digital transformation, our team offers guidance on where opportunities and vulnerabilities lie and assists in designing plans to manage, protect and leverage your digital assets, including Big Data, predictive analysis, machine learning, robotics, the Internet of Things (IoT), and voice, text and vision recognition.

GDPR, CCPA/CPRA and CDPA

We provide comprehensive advice regarding the EU's General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA)/California Privacy Rights Act (CPRA) and the Consumer Data Protection Act (CDPA).

- Compliance readiness assessments.
- Compliance program development and implementation.
- Inventory data and mapping data flows.
- Privacy and data security assessments to prepare for the impact of the private right of action arising from security incidents.
- Risk management.
- Tracking legislative and regulatory developments.
- Vendor contract drafting and review.
- Identifying, engaging and managing IT consultants and solutions.

Select Experience

Privacy Governance

- Counseled hundreds of companies on developing, implementing and maintaining privacy programs and complying with applicable data protections laws, including the CCPA.
- Representing the interests of multiple clients in the digital advertising sector while working with the Internet Advertising Bureau to help develop a policy framework, multiparty agreement and technical signal program that will allow publishers and advertisers to integrate their CCPA “do not sell” requests with internet-based advertising technologies.
- Advising numerous clients regarding compliance with international data transfer restrictions and data localization requirements. Additionally, we developed and implemented GDPR compliance programs for U.S. and international organizations, including applicability analysis, data mapping, data transfer mechanisms, consent mechanisms, “right to be forgotten,” data security assessments, breach response programs, the selection of Data Protection Officers and employee training.
- Served as lead privacy counsel to a cutting-edge healthcare funding provider; provided a 50-state analysis of the privacy landscape for the company.

Technology Transactions

- Representing an insurance company in its multimillion-dollar multiparty cloud and software services agreements.
- Supporting a large healthcare system as lead technology and intellectual property counsel; advising the organization in more than \$50 million worth of technology acquisitions.
- Acting as lead counsel to a minerals and material solutions provider, evaluating and mitigating the risks of third-party installation of IoT tracking technologies for assets management.
- As privacy counsel to a global public relations and earned media software company, led the organization through multiple acquisitions of portfolio companies and conducted privacy diligence for a number of transactions.
- Advised a healthcare customer-relationship management company on commercial transactions and the development of a privacy and data strategy, navigating HIPAA compliance and regulations.



“Highly Recommended” by legal decision makers as a result of *unprompted* research conducted by BTI.

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Recognized as one of the top firms for client service, BakerHostetler is a leading law firm that helps clients around the world address their most complex and critical business and regulatory issues. With six core practice groups – Business, Digital Assets and Data Management, Intellectual Property, Labor and Employment, Litigation, and Tax – the firm has nearly 1,000 lawyers located coast to coast. For more information, visit bakerlaw.com.

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