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POWERING PRIVACY.

# A Website Privacy Playbook for Legal, Marketing and IT

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# Speakers



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1. Web privacy and security risks
2. Litigation/regulatory landscape and consumer expectations
3. Considerations beyond consent management
4. Effective risk management requires coordinated and cohesive efforts (legal/compliance, IT, marketing)
5. Expensive, real-world online privacy threats
6. Playbook for proactively and reactively managing risks
7. Q&A

# Whose Job is **Web Privacy**, Anyway?

- A. Legal/Compliance
- B. Marketing
- C. IT

**D. All of the above.**

Ineffective website management poses risks to consumers' data and to the company.

# A Rapid Increase in Breaches and Privacy Lawsuits

Companies Are Liable for Trackers They Don't Even Know About

June 2022

**Meta, UCSF Health and Dignity Health** sued over sharing healthcare data with the *DB Pixel*. Later, **Advocate Aurora Health** and other providers report a breach from the use of *Meta Pixel*.

 **Meta**

 **UCSF Health**



Dignity Health.

 **Advocate Aurora Health**

September 2022

**TikTok** settles \$92 million class action suit for sharing viewing data, violating the *Video Privacy Protection Act (VPPA)*; 70+ similar lawsuits have been filed in the past year.



TikTok

**healthline**

**WebMD**

September 2022

**Zillow, Expedia and Lowe's** sued under wiretapping laws due to marketing trackers.

 **Zillow**

 **Expedia**

 **LOWE'S**

February 2023

**GoodRx** fined by the Federal Trade Commission (FTC) under Health Insurance Portability and Accountability Act (HIPAA) laws due to patient data sharing.

**GoodRx**

 **betterhelp**

# Companies Are Exposed in the New Regulatory Environment

Privacy violations against companies are growing rapidly due to data collected and shared via their websites and online portals.

These include both regulatory enforcements *and* private rights of actions.

HIPAA

VPPA

Wiretapping  
Laws

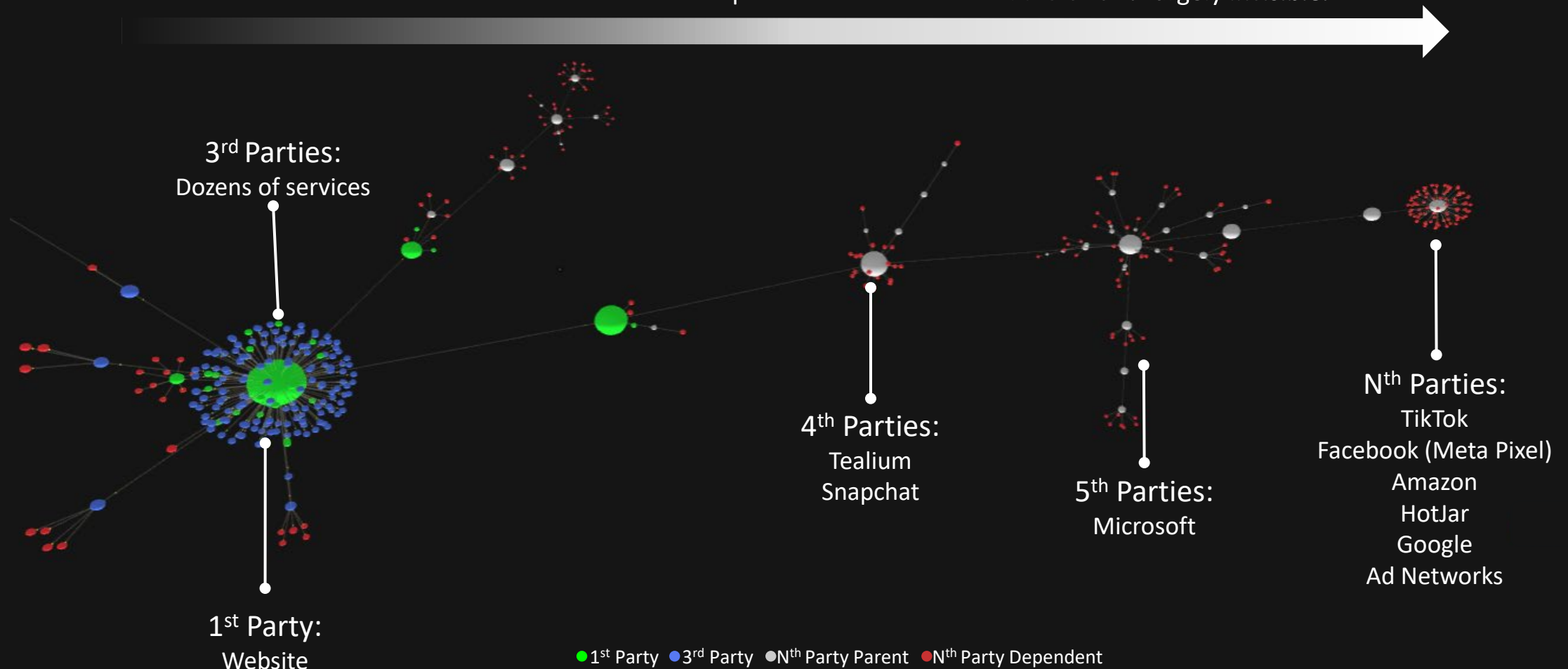
BIPA

CPRA

# The Problem is a Web of Unseen Data Trackers

The Problem Goes Beyond Consent Management

Downstream trackers are **10x** more prevalent than known trackers...and largely invisible.



# Consent Management is Not Enough

Third-Party Cookies,  
Pixels, Trackers, Etc.

Session  
Replay/Recording

MALWARE/MageCart

Mobile Applications

PII Leakage

Geographic  
Controls/Geolocation



# How Can Organizations Manage Privacy Compliance and Web Operations

- Understand your website technology profile
- Marketing, IT and legal/compliance as a coalition
- Educate one another about the issues each stakeholder faces
- Develop a common view of web practices/data collection for efficiency
- Understand and address risks/laws pertaining to data collection/sharing based on that common understanding

## Issue

- Use of interactive website technologies
- Lack of collaboration during implementation
- Change-over of personnel

## Solution

- Comprehensive scan of all webpages to confirm technologies in use
- Education stakeholders collectively
- Created strategy with input from technology business owner, marketing, IT and legal/compliance

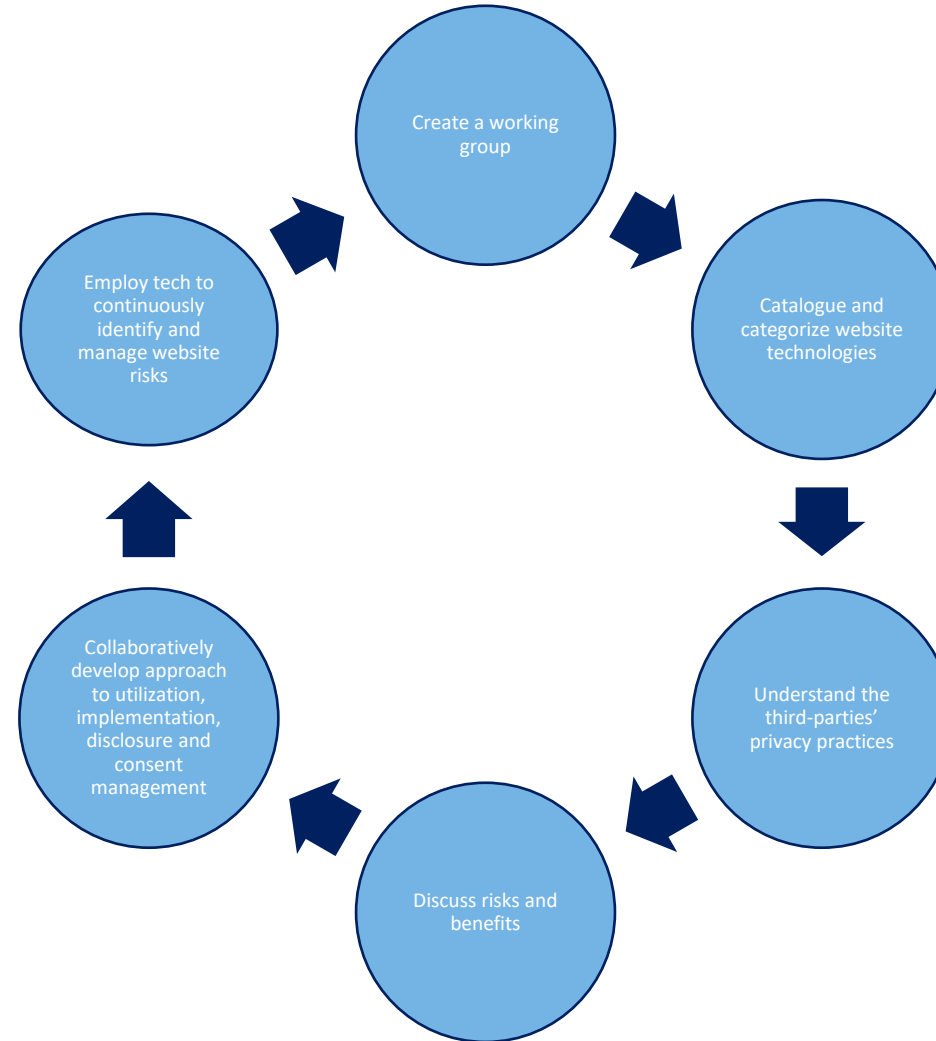
## Issue

- Intersection of third-party tracking technologies and patient information
- Vet technologies on public website and patient-specific resource webpages

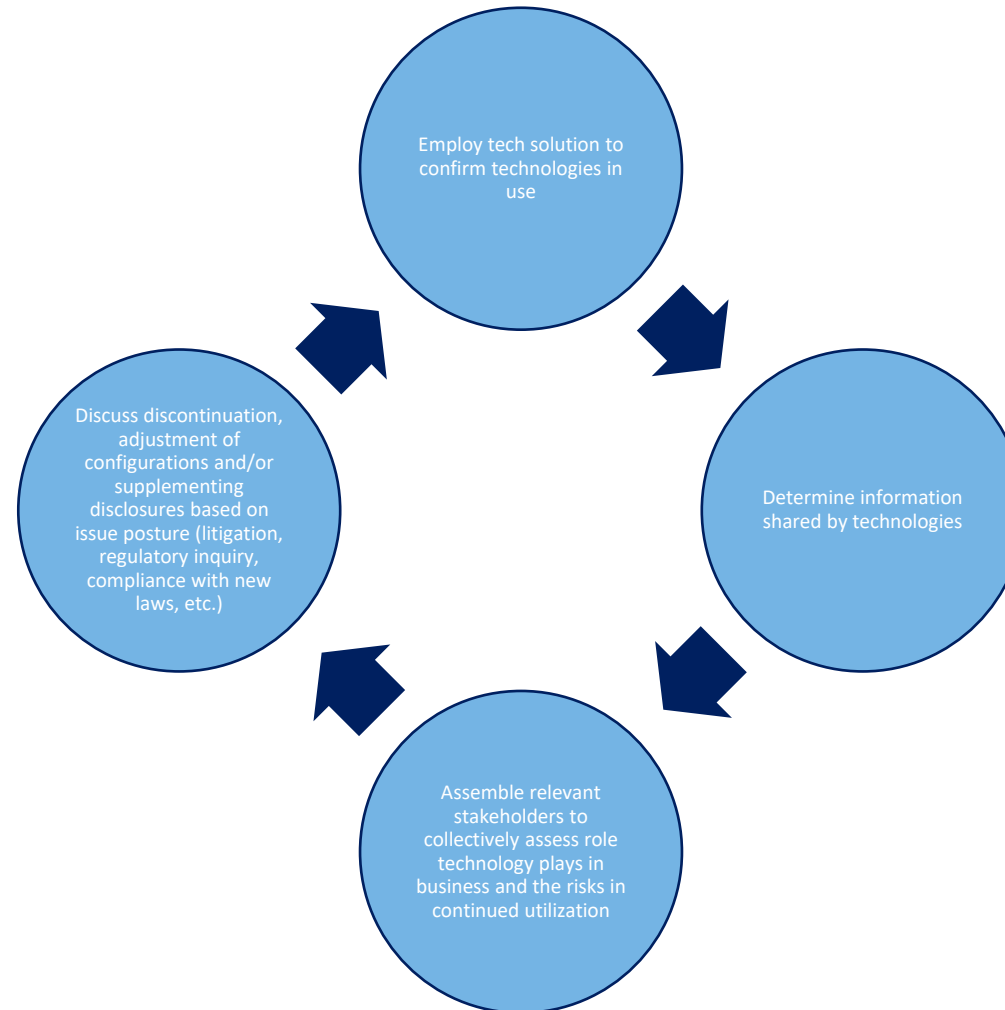
## Solution

- Confirmed technologies in use, data sharing flow and identification capabilities
- Identified owners of technologies and assessed risks and benefits
- Provided guidance to client on proactive compliance efforts based on team's input, prevailing regulatory guidance and case law
- Recommended ongoing validation through use of technology tools

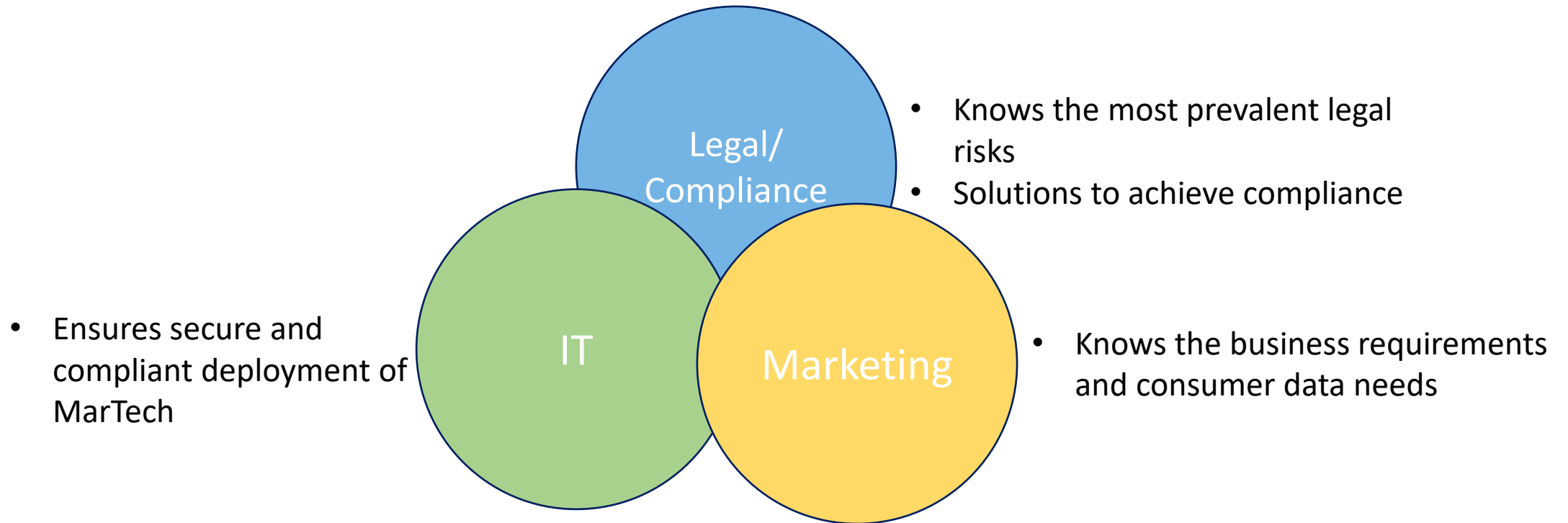
# The Playbook – Proactive Management



# The Playbook – Reactive Management



# Collaboration is Key



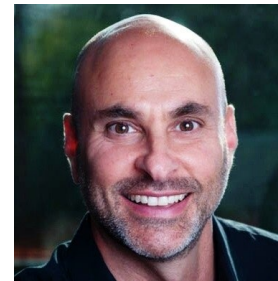


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