

## Privacy and Data Security

### Related Practices

HIPAA—Health Information Privacy & Security

International Law & Trade Regulation

Labor & Employment

### Related Industries

Automotive Industry Group

Financial Industry Group

FinTech, Payments and Digital Commerce

Mobility and Advanced Transportation Team

Dykema’s Privacy and Data Security Practice provides a full suite of services to manage the entire life cycle of a company’s data from its creation to ultimate deletion. Dykema recognizes that privacy and data security concerns will vary greatly by industry due to industry-specific regulation and activity. To address these concerns, Dykema’s Privacy and Data Security Practice is organized by industry group specialty, including attorneys with deep experience in the areas below. Within each of these industries, Dykema lawyers provide a full suite of services to clients including:

- Consumer Class Action Defense
- Cyber Insurance
- Employee Education and Training
- Federal and State Regulatory and Compliance Counseling
- Incident Response and Data Breach Litigation
- International Compliance and Agreements
- Mergers, Acquisitions and Vendor/Partner Transactions
- Privacy C-Suite Counseling (Privacy Program Creation, Privacy Impact Assessments, “Privacy By Design” and Product Development Counseling)

As information security becomes a critical facet of all businesses and industries and the target of many regulators, it is important to stay apprised of new legal developments. Dykema’s Privacy and Data Security team publishes *The Firewall*, a blog that provides insightful legal analysis of the emerging issues in data privacy and cybersecurity law to help businesses stay ahead of the curve.

### Automotive (Including Connected Cars/Autonomous Vehicles)

In this quickly changing field, privacy and data security play key roles in shaping how vehicles behave and use data. Founded in Detroit and a longtime advisor to the automotive sector, Dykema stands at the forefront of this developing arena. In addition to advising clients on their own product initiatives, Dykema has taken a leading role in various organizations including the University of Michigan’s Mobility Transformation Center and the Connected Vehicle Trade Association.

### Education and Student Privacy

While the collection of data involving students has been highly regulated for decades, older laws are being expanded to cover new use cases and states are quickly adopting their own privacy and data security laws. Dykema has experience in the Family Educational Rights and Privacy Act (FERPA), the Children’s Online Privacy Protection Act (COPPA), and many state and local rules that apply to data collected on children and students.

## Financial Services and Fintech

Whether a startup new to the regulated environment or a traditional depository institution, Dykema helps clients avoid legal challenges by understanding the full financial data protection landscape, including laws such as the Gramm-Leach-Bliley Act (GLBA), Fair Credit Reporting Act (FCRA), Federal Trade Commission Act and the roles of state and federal regulators, particularly the Consumer Financial Protection Bureau (CFPB), other bank and credit union regulators and the Federal Trade Commission. Dykema's team includes former regulators and others who have been involved in developing the financial privacy and data security framework from the beginning, representing traditional financial institutions moving into an "omnichannel" environment, as well as cutting-edge Fintech companies offering new and innovative products and services.

## Health Information Privacy and Security

As part of their day to day operations, health care organizations and those with whom they do business have access to massive volumes of patient personal and medical information. The privacy and security of this highly-sensitive information is regulated by federal and state privacy and security laws, including HIPAA. Dykema can assist in developing privacy and security policies and procedures, conducting employee training programs and preparing required documents. Dykema's team also guides companies through security incidents, data breaches and analysis of required breach notification, representing all types of health care providers, insurers, managed care organizations, employer group health plans and other organizations serving as business associates of entities covered by HIPAA.

## International and Cross Border Data Transfers

Today, data flows across international borders and the internet allowing even small companies to serve customers globally. This great opportunity also creates immense challenges as companies grapple with vastly different privacy and data security schemes. Dykema's skilled privacy and data protection lawyers help companies navigate these complex global issues by developing compliance programs for the European General Data Protection Regulation, cross border data transfers (Privacy Shield, APEC CBPR), Canadian privacy rules and many others.

## Retail Mobile Apps, Loyalty, Rewards and Advertising

The lines between brick and mortar stores, online shopping and mobile applications have blurred — and in some cases are gone altogether. Dykema's privacy team can develop integrated solutions that work across multiple platforms and tackle the major issues that big data and data analytics pose to the retail industry. Dykema's team has advised clients on compliance with FTC requirements, GLBA, COPPA, the Song-Beverly Credit Card Act, contract law and many other laws and regulations.

## Workplace Privacy

The tools now available to employers, including in-depth background checks, instant transfers of sensitive personnel information and pervasive social media activity by employees, require an experienced legal team to help craft compliant policies and take advantage of new technologies. Dykema has the experience to help clients avoid costly civil litigation and government-enforcement actions resulting from privacy-related issues.

## Ready to respond to your needs 24/7

Call your Dykema Cyber Response Team for an immediate consultation if you suspect a possible incident.

## Publications

"Employers Need to Be Wary About Illinois' Biometric Data Law"

March 21, 2019

TLNT

Privacy and Data Security (Cont.)

- "Treating ICOs and Cryptocurrencies the Same Way is an Expensive Mistake"  
September 11, 2018  
*PaymentsSource*
- "Balancing Fourth Amendment Expectations in the Electronic Era"  
July 2018  
*Business Crimes Bulletin – Law Journal Newsletters*
- "How & Why Smart Systems Present New Legal Challenges"  
December 2, 2017  
*Texas CEO Magazine*
- "Follow the Money: 4 Lessons in Blockchain Lawsuits"  
October 24, 2017  
*ACC Docket*
- "Lawyers Need to Pay Attention to Ethical Obligations Following a Data Breach"  
August 9, 2017  
*Legaltech News*
- "The State of Data Breach Litigation and How to Avoid It"  
May 2017  
*ALM Law Journal Newsletters: Cybersecurity Law & Strategy Vol. 1, No. 2*
- "Interviewing the Privacy/Data Security Candidate: A Guide for the Non-Expert Hiring Manager"  
March 6, 2017  
*BloombergBNA Privacy and Security Law Report*
- "EU-U.S. Privacy Shield – Recent Challenges: Impact on the U.S. and What Businesses Need to Know"  
December 29, 2016  
*World Data Protection Report*
- Hacks, Files, and Ethical Gapes: Attorneys' Liability for Data Breaches  
November 2016  
*For the Defense*
- "Privacy Shield Update: Companies Are Flocking to New EU-US Data Transfer Agreement"  
August 29, 2016  
*Point B + Beyond*
- "Automobile Data Recording Is Not An Invasion Of Privacy"  
June 19, 2014  
*Law360*
- "Pointers to Prevent Departing Employees From Taking Confidential Information"  
April 4, 2014  
*Inside Counsel*
- "Don't Underestimate Australia's New Privacy Protection Laws"  
March 21, 2014  
*Inside Counsel*
- "Technology: Dissecting the First Version of the NIST's Cybersecurity Framework"  
March 7, 2014  
*Inside Counsel*
- "Technology: The Demise of the Reasonable Person"  
February 21, 2014  
*Inside Counsel*
- "Helping Clients Navigate Uncertain and Rapidly Developing Privacy and Data Security Regulations"  
2013  
*Recent Trends in Privacy and Data Security, Inside the Minds (Aspatore Books)*

"Why CFOs Should Oversee Company Cloud Initiatives,"

May 1, 2013

*CFO.com*

## Speaking Engagements

The California Consumer Privacy Act: Why and How It Will Affect Your Business

February 27, 2019

The Illinois Biometric Information Privacy Act (BIPA): Implications in Light of Rosenbach

February 12, 2019

2018 Year in Review: Privacy and Data Security Trends

December 13, 2018

Social Media, Email, Texts and Video Evidence: What to Look For, Where to Find It and How to Get It Admitted

August 28, 2018

The Illinois Biometric Information Privacy Act: Litigation Risks and Best Practices for Employers and Others

March 7, 2018

Key Compliance Issues for 2018

January 24, 2018

GDPR Is Coming – Is Your Company Ready?

October 25, 2017

*And Now the Law: Product Liability, Cybersecurity, Privacy, Ethics, Insurance, and Regulatory Compliance*, Autonomous Vehicle Safety Regulation World Congress

October 24, 2017

*Cybersecurity in Transportation*, Federal Bar Association, Transportation and Transportation Security Law Section, Washington, D.C.

September 20, 2017

*Ethical Implications of Data Breaches*, Association of Transportation Law Professionals Annual Meeting

June 25, 2017

*Creating a Culture of Success for the Millennial Generation*, DRI Insurance Roundtable

June 16, 2017

*What You Don't Know Can Hurt You: Unconscious Bias in Law Practice – How to Recognize and Interrupt It*, DRI Diversity for Success Seminar

June 15, 2017

Protecting Your Business and Employees From Data Breaches

May 16, 2017

Cyber Theft (and Regular Theft) of Employee and Company Data

May 5, 2017

Into the Matrix: Cyber/Data Risks and Insurance Issues for Health Care Providers

March 7, 2017

The State of Data Breach Litigation and How to Avoid It

February 21, 2017

Key Compliance Issues for 2017

January 20, 2017

*Why Data Privacy Matters: Guarding Against Unwanted Intruders*, Carousel of Panels, IASB/IASA/IASBO Joint Annual Conference, Chicago, Illinois

November 19, 2016

Privacy and Data Security (Cont.)

*Privacy Matters: Advising Companies and Clients on Privacy Matters for the Entertainment and Sports Industries*, Black Entertainment and Sports Lawyers Association 36th Annual Conference  
October 20, 2016

*Europe's General Data Protection Regulation and Privacy Shield*, Mitchell Hamline School of Law

*Post-Data Breach Litigation and Strategies*, Mitchell Hamline School of Law

Goodbye Safe Harbor, Hello Privacy Shield  
July 27, 2016

*Protect and Defend: Why Cybersecurity Matters and What You Can Do to Protect Your Organization and Board from Data Breach Risks*  
April 28, 2016

Key Compliance Issues for 2016  
March 16, 2016

*Professionals' Liability for Cyber Breach*, DRI Professional Liability Seminar, New York, NY  
December 4, 2015

Crowdfunding and the IPO On-Ramp  
June 5, 2012 (Los Angeles-area)

Crowdfunding and the IPO On-Ramp  
May 23, 2012 (Detroit) and May 24, 2012 (Chicago)