

# Data Privacy Litigation & Enforcement Defense



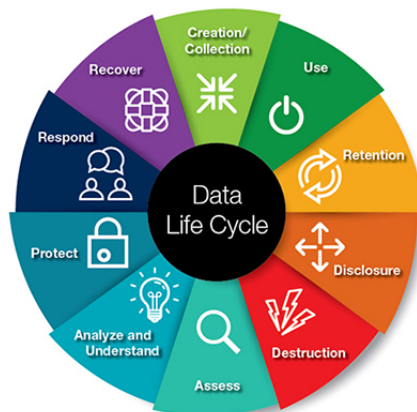
**Benesch’s Data Privacy Litigation & Enforcement Defense team combines vast data security and privacy law experience with litigation prowess addressing emerging issues and high-stakes privacy and cybersecurity matters in courts across the nation and before government regulators.**

**Related Practices**

- Litigation
- Intellectual Property

Clients ranging from startup and emerging entities to national and global businesses rely on Benesch’s team for dependable risk mitigation strategies and protocols and defense against actions related to data breaches and alleged violations of federal and state privacy laws. Clients also depend on us to advise them on novel or especially intrusive government demands for information.

**Benesch’s Data Privacy Litigation and Enforcement Defense Team has you covered across every part of the data life cycle.**



**Benesch’s interdisciplinary team recognizes the importance of focused representation when it comes to data incidents. For example, our Data Privacy Litigation and Enforcement Defense Team is adept at helping clients respond to and recover from data incidents:**



**Unrivaled Experience**

Our team has extensive real-world experience representing clients in federal and state courts and before U.S. agencies (such as the FTC, SEC, DOJ, DOD, FBI and HHS) and state attorneys general, in congressional inquiries and hearings, and before international agencies including the EU data protection authorities. As a result, we are well-versed in the intricacies and nuances of the numerous and ever-evolving data protection laws, rules, regulations and standards that may be invoked in litigation or enforcement actions.

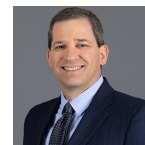
These include:

- EU General Data Protection Regulation (GDPR)
- California Consumer Privacy Act (CCPA), California Invasion of Privacy Act (CIPA), and California Online Privacy Protection Act (CalOPPA)
- Computer Fraud and Abuse Act (CFAA)
- Federal Trade Commission Act
- Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act
- Children’s Online Privacy Protection Act (COPPA)
- Fair Credit Reporting Act (FCRA)
- Family Educational Rights and Privacy Act (FERPA)
- Gramm-Leach-Bliley Act (GLBA)
- HIPAA
- Illinois Biometric Information Privacy Act (BIPA)
- Telemarketing Sales Rule (TSR)
- Fair Information Practice Principles (FIPPs)
- Privacy Act of 1974

**Key Contacts**



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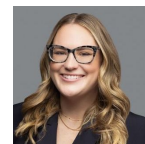
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- Electronic Communications Privacy Act (ECPA), including the Wiretap Act (Title III) and Stored Communications Act (SCA)
- Telephone Consumer Protection Act (TCPA)
- Video Privacy Protection Act
- Defend Trade Secrets Act (DTSA)
- Federal and state constitutions
- Payment Card Industry Data Security Standards (PCI DSS)
- Various state laws, including new comprehensive privacy laws, workplace privacy statutes, antispam ad telemarketing statutes, computer fraud statutes and consumer protection laws

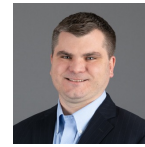
We advise and represent clients across a broad range of industries, including communications, information technology, retail, financial services, transportation, energy, government contracting and healthcare.

Our lawyers work to keep clients ahead of risks, advising on security and privacy requirements, designing policies and protocols, and conducting privacy and security exercises and training. We aim to limit exposure at every point by working closely with clients to guarantee we fully understand their operations, the types of information they handle, and their information practices and procedures. Our lawyers help companies understand relevant laws and information management risks, how to avoid problems, manage unavoidable risks and ensure that appropriate processes are in place if problems arise. If a client experiences a data breach, we help contain and manage risk and respond swiftly and efficiently.

When enforcement actions or litigation arise from a data breach or an alleged violation of a privacy law, we strive to end matters as quickly and confidentially as possible. We have an impressive record on motions to dismiss terminating the litigation pretrial and quelling enforcement actions before formal action is taken by convincing regulators that action is unwarranted or by settling an action for amounts only a small fraction of what was being sought. When a trial or enforcement proceeding has gone forward, our team has achieved successful outcomes for our clients.

### **An Exceptional Interdisciplinary Team**

Our interdisciplinary group is composed of lawyers from our firm's Litigation, Data Privacy & Cybersecurity, Government Relations, Intellectual Property, Healthcare and Financial Services Practice Groups. One of our team members was instrumental in creating cybersecurity policy at DOJ and creating the FBI's cybercrime program. Others in our group are Certified Information Privacy Professionals (CIPP).



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We have long-established, effective working relationships with officials at key government agencies and ready access to agency decision-makers, which optimizes our ability to get heard and effect action.