



Cybersecurity and Privacy

Advances in technology and aggressive global cybercrime continue to challenge multinational companies managing cybersecurity and privacy concerns. Companies in all industries collect and analyze consumer and personal data. 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 nearly every day after data breaches, alleged privacy violations and the alleged failure of companies to comply with strict 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, due diligence activities for corporate transactions, development of appropriate compliance policies for new laws such as the California Consumer Privacy Act, development of new products, and risk evaluation 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.

\$5.94B

records stolen in the first half of 2023

\$10.3B

losses from internet crime in the US in 2022

\$9.48M

average cost of a data breach in the US

2,983

publicly reported data breaches in the US in the first half of 2023

Sources: FBI, 2022 Internet Crime Report; IBM Security, Cost of Data Breach 2023 Report; Flashpoint's Cyber Threat Intelligence Index: 2023 Midyear Edition

EXPERIENCE

- Represent major technology companies on a broad range of state and federal privacy investigations.
- 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.
- 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.

ACCOLADES

- **Chambers** recognized WilmerHale as a leading firm for privacy and data security in its 2023 US and global editions, and recognized Partners Kirk Nahra and Benjamin Powell as nationwide leaders. Sources said:
 - "It's very valuable to have a law firm that not only understands the law but knows how highly complex technology works and applies the law to those facts to give business-based, realistic advice."
 - Mr. Nahra is a "superb health privacy lawyer" who "is a real thought leader on health privacy issues, in addition to being sharp and accurate on existing law."
 - Mr. Powell "has a wealth of knowledge from his time in the government, private practice and experience working in other industries."
- **The Legal 500 United States** recognized our group in the 2023 edition for cyber law, including data privacy and protection.

For more information, please contact:

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