

Privacy, Cybersecurity & Data Protection

With the majority of business conducted online, the issues of privacy, cybersecurity and data protection are some of the most critical concerns for companies operating locally, nationally and internationally. Companies of all sizes can fall victim to data breaches whether from cyber-thieves or disgruntled or careless employees. Foster Garvey advises businesses and individuals across a broad range of industry sectors on legal issues relating to privacy, cybersecurity and data protection. We have the skills, knowledge and experience to help you address cybersecurity and data privacy issues in a practical, comprehensive, integrated and timely manner. Our interdisciplinary team works diligently to advise clients on current and emerging issues in this area, including cybersecurity preparedness, risk assessments and compliance, investigations, employment practices, insurance coverage and related disputes and litigation.

We proactively help clients in meeting the legal, regulatory and contractual obligations regarding the collection, use, storage and retention of their valuable data. Our attorneys counsel clients in connection with mitigating cybersecurity risks as well as in preparing for inquiries from state and federal agencies and affected individuals. The Foster Garvey Privacy, Cybersecurity & Data Protection team works collaboratively to support clients at all stages of a data or privacy breach – from assessing risk to response planning, to putting protections such as insurance coverage in place, to efficiently responding to an occurrence, to providing a vigorous defense, and finally, to moving forward after a cyber-attack or breach occurs.

We offer practical advice to assist our clients, many of them small to midsize enterprises, address privacy and cybersecurity issues in a manner appropriate to their business needs and the risks they face. We serve clients in a variety of industries including hospitality, healthcare, communications, retail, government contracting, banking, securities, technology and transportation.

Cybersecurity Risk Assessments, Compliance and Planning

The Foster Garvey Privacy, Cybersecurity & Data Protection team works closely with clients, and often with technical consultants,

Service Contact

Shannon Rhodes Stokke
T 206.816.1302
shannon.stokke@foster.com

Related Professionals

Thomas F. Ahearne
Bianca Chamusco
Brad C. Deutsch
Christopher G. Emch
Tim J. Filer
Claire F. Hawkins
Benjamin J. Hodges
Mikaela Louie
Kelly A. Mennemeier
John Ray Nelson
Eva H. Novick
Shannon Rhodes Stokke

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on risk assessments and compliance programs. Compliance areas we focus on include: privacy and data security, computer crime and fraud laws, employment practices, health care requirements, SEC-related disclosure requirements and other cybersecurity guidelines. Our team assists clients with cyber-attack and data breach response plans by drafting internal policies as to the discovery, investigation and reporting of breaches that can help minimize legal exposure.

Data Breach Response Team

Businesses and individuals subject to a cyber-attack typically require legal advice to respond to such incidents. Our Data Breach Response Team is available to immediately assist these clients in connection with managing consumer and regulatory notice obligations required under state and federal law and in reducing the risk of litigation and other disputes.

Insurance Coverage – Cybersecurity

Members of the firm's Privacy, Cybersecurity & Data Protection team are well-versed in working with policyholders to obtain coverage for numerous types of cyber risks. Our experience includes auditing the coverage of existing insurance policies, evaluating new insurance products focused on cybersecurity, and negotiating cyber insurance policies.

Privacy, Cybersecurity & Data Protection Litigation

Litigators on Foster Garvey's Privacy, Cybersecurity & Data Protection team stay abreast of the developments in this ever-evolving area of the law. Currently, there is a robust level of class action litigation in connection with cybersecurity and data breach litigation under state and federal laws. We offer substantial litigation experience in defending consumer protection and privacy claims as well as in defending complex class action cases.

Blog Posts

What Hospitality Businesses With a Loyalty Program Can Do Now to Stay Compliant With the California Consumer Privacy Act
Duff on Hospitality Law, 2.9.22

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