



## Privacy & Data Security - Capabilities

Sutherland's Privacy & Data Security Team helps clients manage the obligations and risks of gathering, maintaining, processing, storing and transferring confidential personal and business information. Our hands-on experience managing information technology risk and responding to breach incidents allow us to provide practical, business-focused advice on all aspects of information privacy, security and management. We offer a wide range of services, including the following:

### Compliance and Risk Management

- **Data Security Program Development and Assessment**
  - Review comprehensive written policies and procedures, including written Information Security Plans
  - Conduct table-top exercises to assess vulnerabilities and implementation of policies and procedures to protect data and systems under attorney-client protection
  - Review and update of incident response plans
  - Design and conduct training programs to ensure employees correctly implement the policies
  - Advise on online data collection technologies, including required notices and opt-out provisions
  - Develop SEC-compliant investor communications on cyber risk and mitigation
  - Prepare and review third-party vendor contracts to appropriately manage liability with service providers that handle client and business data
  - Perform cyber risk management assessments
  - Advise boards and management on data security obligations for corporate governance and enterprise risk management
  - Review cybersecurity insurance coverage and negotiate coverage terms
- **Regulatory Compliance**
  - Review compliance with evolving federal and state privacy notifications and data safeguarding requirements
  - Advise on the regulation of e-mail, text message, fax and telephonic communications
  - Respond to regulatory sweeps/requests for information
  - Facilitate introductions to federal/state authorities with cybersecurity responsibilities (e.g., FBI, DHS, SEC, FINRA, NYDFS)

### Post-Breach Response

- **Data Breach Response and Crisis Management**
  - Assist with customer and regulator notifications and responses
  - Advise on compliance with state and national breach notification laws in multiple jurisdictions
  - Investigate suspected network intrusions and lost data device incidents
  - Coordinate forensic audit services under the attorney-client privilege
  - Assist with crisis management, including public relations, call center and investor relations communications
  - Assist with claims coverage matters
  - Defend full range of claims arising from a breach, including class actions
- **Regulatory Enforcement Response**
  - Coordinate appropriate and timely state and federal notifications
  - Coordinate with federal authorities (e.g. FBI, DHS) to receive government debriefings
  - Advise on regulatory defense (e.g. SEC, FINRA, FTC)
- **Post Data Breach Reassessment**
  - Evaluate root causes and existing systems to improve systems post-breach