

Privacy

Privacy, Cybersecurity, and Data Breaches

Businesses large and small are becoming increasingly data driven. The vast amounts of data collected every minute of every day give businesses increased opportunities – and increased responsibility.

The law and policy surrounding data privacy and cybersecurity are constantly developing as existing technology continues to evolve and new technology emerges. Business owners, service providers and government officials have to balance the exciting opportunities that artificial intelligence, the Internet of Things, wearables, cloud computing and any number of other technologies provide with the responsibility to protect the privacy of individual persons and business partners. Brooks Pierce has long been established in this ever-changing area of law. We counsel executives and businesses in a wide variety of industries on developing privacy policies, remaining compliant with state and federal regulations, consumer protection matters, information security and risk mitigation practices. Some of the industries we counsel include:

- **IT** – We advise companies on the growth of technology and establishing network privacy and security
- **Healthcare** – We counsel healthcare providers regarding HIPAA law, the use of patient information, and electronic Protected Health Information (PHI)
- **Financial services** – We advise banks and other financial institutions regarding the Right to Financial Privacy Act and other financial privacy regulations and best practices to protect consumer information
- **Retailers** – We work with retailers to ensure that how they collect, transmit, store, use and manage large amounts of customer data is compliant with the every growing set of laws that apply to their operations, including, for example, the CAN-SPAM Act and the Telephone Consumer Protection Act (TCPA)

Some of the digital privacy issues Brooks Pierce attorneys regularly advise companies on include:

Data Collection and Privacy Policies. A collection of federal, state and international laws govern how businesses collect, use, share and store data, both online and offline. Many of these laws address specific types of consumer data, including children’s data (the Children’s Online Privacy Protection Act), financial information (Graham-Leach-Bliley Act and the Fair Credit Reporting Act) and personal health information (HIPAA). Others such as the California Consumer Protection Act (CCPA) or Virginia Consumer Data Protection Act only apply when a business serves consumers located in certain regions. As a result of this patchwork quilt of laws, privacy compliance is not “one size fits all”—particularly where costs and resource utilization are a factor. We work with businesses to create a privacy program that is unique to their needs.

Cyber Insurance and Vendor Agreements. Given the legal risks with online marketing and privacy, many insurers are offering data breach policies, but you need to be sure that they are sufficient to cover your potential risk and appropriate for your particular circumstances. We also regularly review third-party vendor agreements to determine whether they provide adequate compliance assurances and impose

reasonable notification obligations in the event of a cyber-incident.

Data Breach Response. When data breaches occur, business have a host of obligations to consumers, vendors, state and federal regulators. All 50 states have data breach notification laws, and HIPAA and Gramm-Leach-Bliley have their own notification rules. The costs of complying with notification laws, repairing the data breach, and restoring the reputation of your business's brand can be enormous. Having counsel engaged before a breach happens is the best way to mitigate those costs when problems do arise.

Cybersecurity. With the continuous changes in internet regulation, laws and guidelines, it can be difficult to keep up with the evolving needs of safety and security. Brooks Pierce can help identify and assess cyber risks from a legal perspective. We provide counsel on cybersecurity preparedness and assist clients by conducting cybersecurity assessments and by creating and reviewing incident response plans and written information security programs.

How can we help your business provide responsible security?

PEOPLE

Forrest Campbell Jr.

J. Benjamin Davis

Claire O'Brien

Mark J. Prak

Will Quick

Elizabeth Spainhour

Bryan Starrett

Marcus Trathen

Thomas G. Varnum

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NEWSROOM

News

Brooks Pierce Partner Named Chair of North Carolina Bar Association Young Lawyers Division
06.29.2021

Will Quick Named Vice-Chair of North Carolina Bar Association's Privacy & Data Security Section Council
06.21.2021

Six Brooks Pierce Attorneys Recognized by the North Carolina Supreme Court for Pro Bono Work
06.16.2021

Will Quick Quoted in Financier Worldwide Article
Financier Worldwide, 12.15.2020

Will Quick Discusses Data Privacy and Cybersecurity with Business North Carolina
Business North Carolina, 11.10.2020

Brooks Pierce Partner Discusses Cybersecurity in the Wake of COVID-19 with Business North Carolina
Business North Carolina, 06.10.2020

Brooks Pierce Partner Certified as a Specialist in Privacy and Information Security
01.17.2020

Will Quick Certified as an Information Privacy Professional by the IAPP
01.08.2020

Elizabeth Spainhour Discusses Data Privacy with Business North Carolina
Business North Carolina, 11.18.2019

Brooks Pierce Partner Discusses Data Privacy on North Carolina Bar Association Blog
North Carolina Bar Association Blog, 11.05.2019

Brooks Pierce Partner Quoted in WRAL Article on Video Doorbell Privacy Concerns
WRAL, 10.17.2019

Will Quick Named Partner at Brooks Pierce
10.15.2019

Will Quick Talks to WRAL About Privacy Issues Related to Doorbell Cameras
WRAL, 03.05.2019

Brooks Pierce Partner Certified as a Specialist in Privacy and Information Security
02.22.2019

Brooks Pierce Attorney Melissa Bailey Discusses GDPR With Web Design and Development Consultant
09.06.2018

Brooks Pierce Attorney Serving on Team Developing N.C. State Bar Specialization in Privacy and Information Security
03.27.2018

Brooks Pierce Attorney Quoted on Industries Facing Cybersecurity Risks
02.12.2018

Will Quick Discusses Digital Privacy and Cybersecurity in Business North Carolina
Business North Carolina, 11.20.2017

Will Quick Discusses Cybersecurity with the Triangle Business Journal
Triangle Business Journal, 05.18.2017

Stephen Hartzell Featured in Privacy and Cybersecurity Roundtable
11.14.2016

Elizabeth Spainhour and Charles Marshall Offer Data Privacy Advice to Triangle Business Journal Readers
01.05.2016

Elizabeth Spainhour Earns Certified Information Privacy Professional Designation
03.09.2015

Events

Will Quick Participates in Panel Discussion on Incident Response
05.07.2021

Brooks Pierce Partners Discuss Cybersecurity at NCTA Event
04.16.2015

Spainhour and Hartzell Present to Triad's Largest PR Association
03.10.2015

Publications

Data Breach Defense for Educational Institutions
Digital Media and Data Privacy Law Blog, 06.16.2021

Brooks Pierce Capital Dispatch: Updates from the NC General Assembly and Governor's Office, May 14,
2021
05.14.2021

Virginia Becomes the Second State—and the First on the Eastern Seaboard—to Adopt a Comprehensive
Data Protection Law
03.31.2021

COVID-19 and the Increased Cybersecurity Risk in a Work-From-Home World
COVID-19 Response Resource Center: Timely Counsel for your Business, 03.24.2020

Sure, Hindsight is 20/20 But These 2020 Cybersecurity New Year's Resolutions Will Aid in Securing Your

Business

12.20.2019

What North Carolina Businesses Need to Know About the California Consumer Privacy Act

10.11.2019

Of Course I Meant to Send the Email, But Not to the Criminal - Court Rules that Companies Have a Duty to Train Employees on Cybersecurity Practices

04.11.2018

Understanding New Attacks on Section 230 Immunity

Westlaw Journal 03.16.2017

“New Year’s Resolution? Think Data Security.”

01.05.2016