
Data Privacy

Few areas of the law are evolving as rapidly as data privacy—and few pose the same peril. A complex terrain of overlapping state, federal, and international laws and regulations imposes varying thresholds, rigorous mandates, and significant penalties. Identifying the source of the next compliance threat can be extremely challenging.

Fross Zelnick's dedicated data privacy team helps businesses of all sizes meet this challenge. We develop a bird's-eye view of a client's data flow, bring potential compliance and litigation risks into clear focus, and design data privacy solutions that strike a practical, working balance between compliance and business strategy. solutions that strike a practical, working balance between compliance and business strategy.

Our team operates at the evolving edges of data privacy law, a discipline as vast and unpredictable as the technology it governs. Drawing on constant review and research, we identify our clients' positions amid multiple governing laws and regulations—and develop the policies and safeguards that satisfy them. Our analysis encompasses the entire data ecosystem surrounding our clients, so that errors and omissions committed by service providers and other partners are identified and corrected. We also help businesses with the expanding sphere of vital compliance obligations.

Additionally, our data privacy team draws on the litigation background of its team members to steer clients away from potential liabilities, including novel attempts by an array of plaintiffs to launch data-related legal actions under arcane or rarely invoked legal theories.

Our data privacy practice offers:

Cutting Edge Advice for Where Data Meets your Business: Operating a business inevitably entails navigating complex and nuanced digital ecosystems. Thanks to our deep understanding of commercial realities, data privacy laws, and the regulatory frameworks, we are best positioned to help clients maximize their business assets and drive profitability while minimizing compliance risk and business disruptions.

Multi-Faceted Experience: Our data privacy practice leadership boasts significant in-house experience as head of a privacy team, leading law firm pedigrees, and extensive, industry-specific

know-how. Our team has experience in retail, tech, and professional services, and are litigators, advisors, and transactional attorneys. It's a highly effective synergy.

Practical, Actionable Advice: We understand the day-to-day challenges of maintaining data privacy compliance. We identify and correct our clients' compliance blind spots while preserving their ability to conduct business at the unforgiving pace demanded by the real world.

Relief for In-House Practitioners: Clients with small, overworked in-house teams—and clients with large, overworked in-house teams—benefit from our deep and unflagging attention to the discipline. We bring out-of-date privacy notices into the present day, keep tabs on every relevant legislative and regulatory development, and spot and highlight issues of importance to in-house counsel, so that they can concentrate on core business objectives. And we do it all at rates that are more competitive than those charged by most larger firms.

A View from the Strategic High Ground: We understand the major players in the regulatory landscape. We know how each authority is arranged in relation to the others, their unique enforcement thresholds and tolerances, which of them are well-armed and well-funded, which are on the march, and which are eager to help cooperative companies. This perspective allows our clients to chart a practical path forward in what can be a confusing and volatile environment.

Our approach includes advice related to:

- Common issues arising from a variety of domestic and foreign data privacy laws, including CCPA/CPRA and other state comprehensive privacy laws, the Federal Trade Commission Act, GDPR, PIPEDA, and federal sectoral laws;
- Development of the full range of essential data privacy agreements, including disclosures, notices, data processing agreements and policies, and other documents;
- Privacy impact assessments for companies collecting and processing the sensitive personal data of consumers;
- Working with clients to provide Privacy by Design guidance, where companies consider the integration of consumer privacy requirements when designing products, services, and systems; and
- Deep analysis of data flow and inventory practices, evaluation of tracking technologies, and guidance regarding the best compliance practices;

- Counsel on fulfilling data subject rights requests and engaging third-party providers to facilitate compliance with consumer privacy rights obligations.
- M&A transactions, including counseling to mitigate potential risk and exposure, preparing privacy representations and disclosures, and negotiating relevant provisions of asset purchase agreements.

Our practitioners are recognized by the International Association of Privacy Professionals (IAPP) as Certified Information Privacy Professionals (CIPP/US).