



## CAPABILITIES

# Privacy, Data and Security

We advise on proper protocols, help ensure compliance with U.S. and international data security and privacy requirements and industry standards and assist our clients in responding to cyber breaches, regulatory inquiries, investigations and enforcement actions, as well as litigation stemming from alleged data misuse and privacy violations. We also advise clients in transactions involving the acquisition, sale and management of data, monetizing data and in targeted marketing efforts.

### COMPREHENSIVE SERVICE

Representing companies ranging from startups to multinational corporations in a broad range of industries, boards of directors and corporate executives, we help clients manage data-related risks and comply with applicable privacy and data security measures in their day-to-day operations and business transaction. We also represent them before regulatory bodies and in federal and state court litigation.

### COMPLIANCE COUNSELING

Our lawyers help clients comply with the wide array of federal, state and international privacy requirements and regulations, including the comprehensive California Privacy Rights Act (CCPA), the European Union General Data Protection Regulation (GDPR), numerous U.S. state laws, the Children's Online Privacy Act, the Telephone Consumer Protection Act (TCPA), the Telemarketing Sales Rule, the Restore Online Shoppers' Confidence Act, the Electronic Funds Transfer Act, the Gramm-Leach-Bliley Act, the Health Insurance Portability and Accountability Act (HIPAA) and many others. We conduct risk assessments, advise on cyber-related risk and data misuse avoidance strategies, privacy and cybersecurity compliance, and devise global breach prevention and compliance policies, plans and protocols.

We create bespoke privacy and cookie policies for a wide variety of e-commerce businesses. Clients also rely on us for training tailored to meet their specific needs and circumstances, help in creating privacy breach and data security-related incident response plans, and advice on disclosure and reporting obligations, crisis management and breach remediation. We make certain they are adequately protected across communication channels.

### PRACTICE CONTACTS

Mary L. Grieco

Andrew B. Lustigman

### RELATED PRACTICES

Advertising, Marketing & Promotions

Business Tort Litigation

Direct Marketing Law

Food, Drug, Dietary Supplement, Medical Device & Cosmetics Compliance and Transactions

Green Advertising & Claims

Intellectual Property Law

Internet & Digital Marketing Law Litigation

Social Media Law

Sports, Sports Figures & Celebrities

Sweepstakes & Contests Law

### **ADVERTISING AND PROMOTIONAL CAMPAIGNS**

Well versed in the expansion of state privacy laws affecting brands and advertising, we work closely with our Advertising, Marketing & Promotions Group and Brand Management & Protection Group, advising on data and personal information use for brand activation, lead generation, consumer targeting, influencer and SaaS agreements, and promotions campaigns through traditional, internet and new media channels.

### **INTERNATIONAL EXPERTISE**

Our team includes an Information Privacy Professional for Europe (CIPP/E), certified by the International Association of Privacy Professionals. With a clear understanding of the rules and an international perspective on privacy initiatives, she is a sought-after authority on data privacy laws, compliance with consumer privacy laws and related issues. We also collaborate with members of our vast network of trusted international counsel to help clients comply with international privacy requirements and regulations including consumer privacy laws such as the European Union General Data Protection Regulation (GDPR) and the United Kingdom Data Protection Act of 2018, among many others.

### **TRANSACTIONS**

Our privacy, data and security lawyers help ensure our clients understand and plan for the privacy implications of collecting and using personal data in their daily business dealings and corporate transactions. We conduct privacy and data security-related due diligence in business mergers, acquisitions and dispositions, data-specific purchases, sales, outsourcing and licensing deals, and data development and exploitation collaborations, as well as a variety of other U.S. and cross-border transactions.

### **REGULATORY INVESTIGATIONS & ENFORCEMENT AND LITIGATION**

Should a privacy violation or data breach occur, our regulatory investigations, enforcement and litigation lawyers strategize, advise and represent clients in any ensuing federal, state or international regulatory investigations, civil cases, including class actions, and criminal matters.

### **EXPERIENCE**

- Assisted a well-known fashion company in implementing and running an international e-commerce business, including drafting privacy policies and cross-border/EU commerce.
- Advising e-commerce businesses in the development and modification of their privacy policies to allow for participation in cooperative databases and other data-sharing arrangements.
- Assisting various companies in developing and integrating privacy policies in connection with high-profile sweepstakes promotions to facilitate lead generation/sharing practice.
- Analyzing SaaS and other transaction arrangements relating to data privacy compliance.
- Successfully defended a well-known brand regarding alleged violations of the Video Privacy Protection Act.
- Advising private equity and investment companies through multiple acquisitions of portfolio companies and conducting privacy diligence in connection with numerous transactions.
- Counseled a school that suffered a ransomware attack.

## NEWS & INSIGHTS

### NEWS

[08.17.2023 | Accolade](#)

Eight Olshan Lawyers Selected to The Best Lawyers in America 2024; Three Named as “Ones to Watch”

[05.05.2021 | Firm News](#)

Law360 Quotes Mary Grieco on Apple’s New App Tracking Transparency Framework

[03.26.2021 | Firm News](#)

IP Talk Blog Features Mary Grieco on CJEU Privacy Shield Invalidation

[12.10.2020 | Firm News](#)

Olshan Branding Management and Protection Attorneys Present Webinar on Marketing in the COVID-19 Era to the Bronx Third Avenue BID

[09.01.2020 | Firm News](#)

New York Law Journal Publishes Article on Avoiding Viral Promotion Malfunctions by Andrew Lustigman and Morgan Spina

[08.13.2020 | Firm News](#)

Andrew Lustigman Quoted in The Legal Examiner on the Class Action Lawsuit Filed Against TikTok

[06.25.2020 | Firm News](#)

Andrew Lustigman, Mary Grieco, Scott Shaffer and Morgan Spina Contribute Four Guidance Notes on Direct Marketing in OneTrust DataGuidance

[10.14.2019 | Firm News](#)

Mary Grieco to Speak at MDS Second Annual Cybersecurity Conference

[07.24.2019 | Firm News](#)

Andrew Lustigman Quoted in Law360 on the FTC’s Stringent Review of COPPA

[07.01.2019 | Firm News](#)

Law360 Quotes Mary Grieco on Staying Compliant with New Online Advertising Privacy Laws

[10.09.2017 | Firm News](#)

Digital Business Lawyer Publishes Article by Andrew Lustigman on the FTC’s COPPA Compliance Update

[08.14.2017 | Firm News](#)

Bloomberg BNA Quotes Andrew Lustigman on Google’s Privacy Policy

[08.26.2015 | Firm News](#)

Lustigman Quoted Regarding FTC’s Power to Penalize Companies for Insufficient Cybersecurity Practices

[05.08.2015 | Firm News](#)

Lustigman and Barney Discuss Recent Actions for how Companies Approach Cybersecurity

[04.09.2015 | Firm News](#)

Lustigman and King Discuss Cyber-Liability Insurance

[03.13.2015 | Firm News](#)

Lustigman Speaks at 6th Annual Mobile Marketing Day

[03.12.2015 | Firm News](#)

Lustigman Discusses Legal Issues Involving the Proposed Consumer Privacy Bill of Rights

[01.08.2015 | Firm News](#)

Lustigman to Speak at Mobile FirstLook: Strategy 2015

[12.09.2014 | Firm News](#)

Lustigman Publishes Inside Counsel Article on Utilizing Intellectual Property in Social Media

[11.25.2014 | Firm News](#)

Lustigman Discusses COPPA Ramifications in Inside Counsel

[10.10.2014 | Firm News](#)

Lustigman Interviewed on The Peter Tilden Show Regarding Social Media Issues

[05.27.2014 | Firm News](#)

Law360 Quotes Lustigman on FTC Data Broker Report

[05.21.2014 | Firm News](#)

Lustigman Discusses Google and the Right to be Forgotten on Arise News

[04.02.2014 | Firm News](#)

Shaffer Quoted in Law360 on Upswing of Cell Phone Eavesdropping Cases

[03.12.2014 | Firm News](#)

Ezor Quoted in Law360 Article About Avoiding Privacy Suits

[02.11.2014 | Firm News](#)

Law360 Quotes Of Counsel Jonathan Ezor on Big Data Challenges

[01.28.2014 | Press Release](#)

Olshan's Advertising, Marketing & Promotions Practice Launches Integrated Platform and Relaunches Leading Internet Sweepstakes Site

[11.14.2013 | Firm News](#)

Ezor Quoted in Law360 on Data Protection in the EU

[10.24.2013 | Firm News](#)

Ezor Quoted in Law360 on Data Use Policies

[01.01.2013 | Firm News](#)

Bloomberg BNA Cyberlaw Outlook for 2013 Quotes Andy Lustigman on Advertising, Mobile Device Marketing and Recent Decisions by National Advertising Division

12.11.2012 | Firm News

Lustigman Assists LNK Partners with Investment in Marketer of P90x

11.28.2012 | Firm News

Ezor Contributes "Ethics Crash Course in the Wake of Hurricane Sandy" for LTN

#### EVENTS

10.18.2023 | Event | In-House CLE Seminar

Cybersecurity, Privacy and Data Protection and the Practice of Law

10.30.2019 | Event | New York

Second Annual Maureen Data Systems (MDS) Cybersecurity Conference

03.12.2015 | Event | DMA's 6th Annual Mobile Marketing Day

New Legal Developments in Mobile Marketing, Mobile Apps and Tracking

05.18.2014 | Event | Arise News, "AriseReview," MHZ Network

Arise News: EU's Google Decision and the Right to be Forgotten

Interview Segment

01.22.2014 | Event | Touro College Jacob D. Fuchsberg Law Center

Flawed Transparency: Shared Data Collection and Disclosure Challenges for Google Glass and Similar Technologies

12.05.2012 | Event

Cloud Computing: Keeping Employee, Customer, and Confidential Information Safe

2004 | Event | DMA 87th Annual Conference & Exhibition, New Orleans, LA

Privacy Update: Making Sense of Opt-In/Opt-Out Requirements

2003 | Event | DMA 86th Annual Conference & Exhibition, Orlando, FL

Privacy Update

#### PUBLICATIONS

09.01.2020 | Article | *New York Law Journal*

Avoiding Viral Fashion Promotion Malfunctions

06.25.2020 | Article | *OneTrust DataGuidance*

California – Emarketing

06.25.2020 | Article | *OneTrust DataGuidance*

California – Telemarketing

06.25.2020 | Article | *OneTrust DataGuidance*

California – SMS/MMS Marketing

06.25.2020 | Article | *OneTrust DataGuidance*

California – Postal Marketing

05.20.2020 | [Article](#) | *Talk Direct*

Incorporating Privacy Considerations into Marketing Efforts

05.11.2015 | [Article](#) | *Inside Counsel*

Legal landscape for cybersecurity risk is changing as federal government and SEC take action

04.09.2015 | [Article](#) | *Inside Counsel*

Cyber-liability insurance: Understanding what you have and what you may need

03.12.2015 | [Article](#) | *Inside Counsel*

An overview and the impact of the Consumer Privacy Bill of Rights

12.09.2014 | [Article](#) | *Inside Counsel*

Legal Pitfalls in Utilizing Intellectual Property in Social Media

11.25.2014 | [Article](#) | *Inside Counsel*

Can online reviews provide substantiation for superiority claims?

01.27.2014 | [Article](#) | *Law Technology News*

Google Glass: A Vision of Potential

11.27.2013 | [Article](#)

Privacy Policies - Drafting Pitfalls for Clients and Lawyers

#### ALERTS

12.2022 | [Client Alert](#)

CLIENT ALERT: New Privacy Laws in the United States for 2023

10.2019 | [Client Alert](#)

CLIENT ALERT: California Attorney General Issues Draft Regulations in Regard to the California Consumer Privacy Act (CCPA)

#### BLOG POSTS

05.05.2021 | [Advertising Law Blog](#)

Law360 Quotes Mary Grieco on Apple's New App Tracking Transparency Framework

03.02.2021 | [Advertising Law Blog](#)

Virginia Poised to Become Second State to Pass Comprehensive Consumer Privacy Legislation

09.01.2020 | [Advertising Law Blog](#)

New York Law Journal Publishes Article on Avoiding Viral Promotion Malfunctions by Lustigman and Spina

08.13.2020 | [Advertising Law Blog](#)

Andrew Lustigman Quoted in The Legal Examiner on the Class Action Lawsuit Filed Against TikTok

07.16.2020 | [Advertising Law Blog](#)

New York SHIELD Act

[06.25.2020 | Advertising Law Blog](#)

Lustigman, Grieco, Shaffer, and Spina Contribute Four Guidance Notes on Direct Marketing in OneTrust DataGuidance

[10.18.2019 | Advertising Law Blog](#)

California Attorney General Issues Draft Regulations in Regard to the California Consumer Privacy Act (CCPA)

[07.24.2019 | Advertising Law Blog](#)

Andrew Lustigman Quoted in Law360 on the FTC's Stringent Review of COPPA

[07.01.2019 | Advertising Law Blog](#)

Law360 Quotes Mary Grieco on Staying Compliant with New Online Advertising Privacy Laws

[10.09.2017 | Advertising Law Blog](#)

Digital Business Lawyer Publishes Article by Andrew Lustigman on the FTC's COPPA Compliance Update

[08.14.2017 | Advertising Law Blog](#)

Bloomberg BNA Quotes Andrew Lustigman on Google's Privacy Policy

[06.08.2015 | Advertising Law Blog](#)

RadioShack Bankruptcy Deal to Sell Customer Data is a Cautionary Tale for Companies

[05.11.2015 | Advertising Law Blog](#)

Legal landscape for cybersecurity risk is changing as federal government and SEC take action

[04.13.2015 | Advertising Law Blog](#)

Cyber-liability insurance: Understanding what you have and what you may need

[03.13.2015 | Advertising Law Blog](#)

Lustigman Speaks on New Legal Developments in Mobile Marketing, Mobile Apps and Tracking

[03.12.2015 | Advertising Law Blog](#)

Lustigman Discusses Legal Issues Involving the Proposed Consumer Privacy Bill of Rights

[11.25.2014 | Advertising Law Blog](#)

Even grown-up apps need to think about children's privacy

[05.23.2014 | Advertising Law Blog](#)

EU Right to Be Forgotten Decision May Impact US Data Processing Activities