

Data Privacy & Cybersecurity

Our Experienced Data Breach Attorneys Help When You Need it Most

Data has become central to the successful operation of many businesses. As the role of data has increased, the need for Kaufman Dolowich data breach attorneys has also increased. For some companies, data is a tool for administration and internal strategic development. For other companies data is a tool for customer management such as acquisition and maintenance. For some businesses, data is mined to create a marketable good to be sold to advertisers, artificial intelligence developers, and others.

Regardless of the particular use, Kaufman Dolowich data privacy and cybersecurity are issues that can have a substantial impact on a business in nearly any industry. If a business loses sensitive customer data in a large-scale hacking incident and further investigation reveals that inadequate cybersecurity systems were in place to prevent or otherwise minimize the impact of such hacking, they could be exposed to liability (potentially in a class action lawsuit brought by the affected customers).

Further, even beyond the legal ramifications, commercial clients must be wary of the long-term brand damage that can be wrought by a serious data breach, regardless of whether the breach was caused by hacking, hardware problems, a software malfunction, or human error. Mismanagement of data can create lingering negative consequences for a business.

At Kaufman Dolowich, LLP, our data breach attorneys provide comprehensive advisory, transactional, and litigation services to commercial clients involved in a wide range of data privacy and cybersecurity matters. We are comfortable handling sophisticated legal issues at every stage of a legal matter. In fact, we believe that the breadth of our experiences (in the data privacy field and other practice areas) gives us a “bird’s-eye” perspective that we can draw upon for effective insights.

Risk Management, Compliance, and Advisory Services

We often find that by working with clients early-on to comply with applicable regulation, develop adequate security protocols, and identify weaknesses in cybersecurity preparedness that can be addressed through re-training, we are able to substantially reduce the risk of a breach that could compromise the successful operation of their business. We also advise clients with respect to the provision of cybersecurity-related insurance coverage and we handle claims for insurance carriers under such policies.

In preparing clients for the possibility of a serious cybersecurity event, we regularly advise our clients on:

- Local, state, and federal compliance (with respect to data privacy standards, cybersecurity law, etc.);
- The development of internal policies that minimize the likelihood of a data breach;
- The drafting and development of customer agreements that can shield the client from liability in the event of breach;
- How to engage with customers so as to ensure that adequate notice is given as to the risks involved in the storage of sensitive data and customers are privy to the steps they can take to further protect themselves;
- How to evaluate emerging risk factors in the cybersecurity space;
- Communicating with various regulatory stakeholders to clarify confusing aspects of the law and resolve compliance in a manner that does not interfere with the smooth operation of the client’s business.

Data Breach Response

In the wake of a data breach, the steps taken by a business can have a significant influence on the nature, extent, and severity of the breach and, ultimately, on liability exposure. If a business fails to quickly and adequately respond to a data breach, for example, then the courts may impose liability for such failure (and depending on the circumstances, punitive damages may also be available).

Each data breach attorney at Kaufman Dolowich has extensive experience guiding clients through the post-breach process. Our services include, but are not limited to:

- Assistance in creating cybersecurity response teams
- Comprehensively managing the response to a data breach
- Coordinating an investigation into the cybersecurity issues lying at the center of the data breach
- Helping clients comply with post-breach collection, notification, and other procedural requirements imposed by data and cybersecurity regulations
- Identifying potential public relations issues and crafting a dispute resolution strategy that advances the overall interests of the client in consideration of those public interest issues (among various other concerns, such as budget)
- Assist clients with strengthening their data protections, performing audits, and changing their internal policies and procedures to prevent a similar breach in the future

Though data breach may lead to damages, an effective post-breach strategy can minimize one's legal liabilities and shield the client from the public relations backlash that has affected so many other businesses in recent years.

Coverage Issues

Kaufman Dolowich lawyers have decades of experience working with clients on complex insurance coverage and litigation matters, and in conjunction with our data privacy and cybersecurity practice group, provide comprehensive coverage-related representation to insurance carriers who are handling data privacy and cybersecurity claims brought under various cyber liability policies.

We regularly assist insurance carriers in drafting cyber liability policies, evaluating existing coverage, writing coverage opinions, negotiating policies, developing underwriting guidelines for cyber liability policies, anticipating risks, and litigating a defense on behalf of the cyber liability insurer.

A Data Breach Attorney from Our Firm Can Assist With Cybersecurity Litigation

Kaufman Dolowich, LLP is capable, technically-minded litigators who have demonstrated experience trying cases to conclusion in the context of cybersecurity and related situations. This real-world litigation experience affords us significant advantages over the course of a dispute. We as we are comfortable handling claims that involve sophisticated cybersecurity issues and are relentless in advancing our clients' interests despite their unique challenges. Our preparedness and willingness to follow through on litigation through to trial puts pressure on opposing counsel to make a fair settlement offer and potentially resolve the dispute at an early stage.

We work closely with clients through the litigation process and often represent clients in adjacent government investigations. As businesses transition their services and customers towards a truly "connected" system, there are bound to be kinks that need to be worked out over time. We are committed to working with clients to prevent needless liability exposure and protect their commercial interests from the harm wrought by mistakes that could be resolved without additional legal hassle.

We encourage you to explore our website to learn more about how our team can provide assistance. If you are involved in a data privacy or cybersecurity-related dispute and are ready to consult a qualified data breach attorney, contact a member of our privacy and data breach team for guidance.

Data Privacy & Cybersecurity's Leaders

- Avery A. Dial