

## CONTACT

Robert A. Shimberg

## PEOPLE

Marie Attaway Borland

Carmen M. Cato

Eric J. Hall

Bret Hamlin

S. Gordon Hill

David W. Hughes

William J. Judge Jr.

Ryan J. Leuthauser

David L. Luikart III

Jason L. Molder

Brett J. Preston

Jeffrey J. Wilcox

## RELATED CAPABILITIES

E-Discovery & Information  
Governance

Intellectual Property &  
Technology

# CYBERSECURITY, DATA BREACH & PROTECTION

As businesses have become more digitally driven, and data breaches are regular occurrences, the need for privacy protection and compliance measures is a paramount consideration for businesses of all sizes. At Hill Ward Henderson, we take a multi-disciplinary approach to assist our clients from a wide array of industries in the areas of cybersecurity and data protection.

Because of the significant financial and reputational risks associated with data breaches and cyber-attacks, the management of confidential data and data infrastructure should be a top priority for all businesses. Legal issues in this area are continuing to evolve, many at a fast pace, and are affected by a variety of significant regulatory, transactional, civil liability, and reputational risks. Compliance with regulations is critical to our clients' operations. Companies that fail to protect proprietary business information or sensitive customer data face significant potential losses and liability exposure, as well as potential serious public relations problems.

Company executives, boards of directors, employees, customers, and third-party providers all have data security obligations. Leveraging our knowledge and experience from many different practice specialties, our firm counsels clients and helps them navigate complex statutory and regulatory environments. We customize solutions and policies to meet each client's business demands and ever-changing technology footprint.

Because privacy and information security is an ever-evolving area, cybersecurity developments often outpace legal developments. Our team is proactive in making informed judgments to fill in the gaps when the law does not clearly resolve a particular cybersecurity issue.

## PROACTIVE RISK PROTECTION

We advise businesses on prospective risk avoidance through drafting, review, and analysis of privacy programs, data policies, customer notices and agreements, and third-party service provider contracts. We also collaborate with in-house counsel, privacy officers, risk managers, and data breach responders to develop effective legal

## Cybersecurity, Data Breach & Protection

solutions for their unique business needs.

We counsel our clients in all phases of the risk management process, including assessment, protection, response and mitigation, and follow-up and recovery. Our team counsels clients in how to minimize the risk for data breach and comply with the myriad of laws in force for the full spectrum of organizations and companies.

### RESPONSE TO A DATA BREACH

In the unfortunate event of a data breach or attack, a quick response is paramount. Our team is available around-the-clock to assist. Our team of attorneys helps our clients respond by guiding and protecting them through the ensuing recovery and follow-up stages. These may include investigation, reporting, and disclosure, as well as connecting them with members of our outside cybersecurity advisory professionals to assist with electronic forensic investigation/remediation, communications and public relations, liaison with law enforcement, and liability exposure.

We vigorously advocate for our clients at each stage in the process and aggressively defend against claims or actions that may follow a breach. We regularly assist our clients in navigating responses to breaches from a variety of sectors, such as third-party hacks, fraudulent electronic transactions, insider losses, and those involving a variety of types of attacks such as phishing and malware, including ransomware.

### THE BIG PICTURE

In addition to legal matters, we address pragmatic concerns, such as reputational risk and customer service issues. Our attorneys appreciate that the end goal of privacy law is to protect consumer information, so we work to align our clients' goals with the wants and needs of their customers, resulting in an overall benefit to their businesses.

### NEWS & INSIGHTS

11th Circuit Deepens Longstanding Circuit Split on Standing in Data Breach Class Actions  
Media Mention, 2.5.21

11th Circ. Says ID Theft Risk Doesn't Support Data Breach Suit  
Media Mention, 2.5.21