



Privacy, Security & Artificial Intelligence

We Simplify the Complex and Provide Businesses with Compliant Solutions.

Every business faces data protection, security, and artificial intelligence risks. Today, businesses operate in a patchwork of federal and state laws, regulations, litigation, and governmental guidance that requires sophisticated legal partners who understand the complexity of the landscape, legal issues, and risks posed to your business.

At Hinshaw, we create strategic and practical compliance solutions for data protection and security programs, cybersecurity incidents, and artificial intelligence systems. We also help businesses update their internal privacy policies and defend privacy claims asserted by private litigants, state attorneys general, and state and federal regulators.

Delivering Data Protection, Cybersecurity, and Artificial Intelligence Compliance Solutions to your Business

Data Protection and Governance

Whether you need to ensure that a new or existing product is designed with data protection and regulatory controls built-in; address how to legally collect personal information from consumers, employees, or your business-to-business clients; evaluate what data rights are required for an acquisition; or manage the numerous vendors handling your company's data assets in your technology stack, our team offers creative legal solutions to business-orientated data protection.

We regularly help clients with:

- Gramm-Leach-Bliley Act and the Privacy Rule and Safeguards Rule under Regulation P
- Fair Credit Reporting Act and the Affiliate Marketing Rule under Regulation
- State privacy law compliance (including California Consumer Privacy Act and similar laws)
- General Data Protection Regulation and ePrivacy compliance (including for cookies and similar technologies)
- Cross-border data transfers, including in relation to standard contractual clauses, technical organizational measures, and the data privacy framework
- Privacy notices and privacy policies
- Internal privacy governance programs

Service Area Contacts

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David M. Schultz

Scott M. Seaman

Mark K. Suri

Akeela M. White

Jonathan M. Yee

Todd M. Young

Related Services

Consumer Financial Services



- Commercial transactions, including mergers and acquisitions, data licenses, data protection addenda, and vendor agreements
- Product data protection, security, and artificial intelligence counseling
- Employee privacy
- Automobile and connected cars privacy
- Comprehensive privacy and data protection assessments to evaluate existing controls, maturity levels, and process improvements
- Data subjects' rights and request management and response
- Direct marketing and communications rules for emails, texts, phone calls, and other channels, including under the CAN-SPAM Act, Telephone Consumer Protection Act, Telemarketing Sales Rule, and Mortgage Acts and Practices Advertising Rule
- State telemarketing, telephone solicitation, automatic dialing and announcing devices, and other consumer communications laws and regulations
- Government or litigation-related demands for data
- AdTech and MarTech privacy
- HIPAA and health privacy
- · Financial privacy and fintech issues
- EdTech, Family Educational Rights and Privacy Act (FERPA), and education privacy
- · Training and education
- Data privacy and protection litigation, including Illinois Biometric Information Privacy Act (BIPA), Telephone Consumer Protection Act (TCPA), and data breach litigation

Proactive Cyber Counseling

Our proactive cyber legal defense team helps organizations of all sizes prepare for a cyber incident, assists after an incident, and puts the organization in the best possible position to respond to and mitigate the impact.

We take a business-oriented view of your cyber risks and implement practical, affordable strategies by:

- Advising on security breach investigations, user requirements, insurance coverage issues, and defending any resulting regulatory inquiries and civil litigation
- · Conducting information security assessments
- Developing and implementing policies and procedures to minimize vulnerabilities, including incident response plans, data breach notification procedures, record retention, and related policies
- Advising on the security requirements of GLBA, FCRA, SEC, CFPB, federal
 and state banking regulators, state and local security breach notification
 laws, and other U.S. state, federal, and international security requirements
- Performing information security (and data protection) due diligence for corporate acquisitions or equity investments
- Demonstrating a cybersecurity posture and reviewing insurance coverages for these risks

Government Contracts and Procurement

Regulatory and Compliance Counseling

Sustainability & ESG

Related Industries

Automotive Finance

Banking & Finance

Health Care

Insurance & Reinsurance

Insurance Coverage

Insurance Regulatory

Transportation



 Educating and training the C-Suite and other stakeholders about the potential threats, effective mitigation and prevention procedures, and how to respond to a cyber incident

Artificial Intelligence

Addressing artificial intelligence (AI) compliance is top of mind for many businesses today as regulators are increasingly focused on AI organizational compliance. Hinshaw provides clients with a multidisciplinary team of attorneys with legal experience in AI and machine learning counseling and guidance. We advise our clients on:

- The use of AI in consumer credit products and services, including consideration of potential fair lending implications and risks of unfair, deceptive, and abusive acts and practices (UDAAPs)
- The use of HR AI platforms and employment-related matters
- · Al third-party procurement and vendor contracts
- Developing and implementing forward-looking and comprehensive AI compliance programs with a risk-based approach
- Reviewing generative AI intellectual property and proprietary rights issues
- Complex acquisitions and implementations of machine learning/AI systems, including navigating regulatory risks from numerous AI use cases
- Negotiating complex transactions for AI third-party solutions
- Regulatory compliance issues regarding the use of artificial intelligence in marketing and advertising programs
- Advising AI and data companies on AI, data protection, intellectual property, cybersecurity, and other regulatory and best practice requirements for their AI product development, operations, and launch

Litigation Defense

Hinshaw is a leader in defending privacy claims. We have litigated thousands of privacy class actions in state and federal courts nationwide. Our team has defended privacy class actions including, but not limited to, claims for alleged violations of the Illinois Biometric Information Privacy Act (BIPA), Illinois Right of Publicity Act (IRPA), Telephone Consumer Protection Act (TCPA), Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), and the Video Privacy Protection Act (VPPA). Statutory damages under these acts can range from minor to catastrophic.

Our team draws on its vast experience and develops unique, fact-driven strategies and tactics for success. We employ strategies aimed at cutting off class actions as quickly and expeditiously as possible. If a case does move forward, we immediately engage in an active motion practice to thwart or halt the plaintiffs' momentum. At every step, we partner with you as we draw on our extensive courtroom and negotiating experience to provide unparalleled representation before regulators, attorneys general, judges, and juries.

News

Hinshaw Boosts West Coast Capabilities With Addition of Two Partners in Los Angeles April 25, 2024

Proposed Federal American Privacy Rights Act Offers a Positive Path Forward April 17, 2024

Media Coverage of Hinshaw's 2024 Legal Malpractice and Risk Management (LMRM) Conference April 9, 2024

Cathy Mulrow-Peattie Named to the Law360 2024 Cybersecurity & Privacy Editorial Advisory Board March 27, 2024



Q&A: Hinshaw General Counsel Steve Puiszis Discusses the Firm's New Generative AI Policy and the Importance of Ethical "Guardrails"

March 22, 2024

Hinshaw GC Steve Puiszis Discusses Hinshaw's Adoption of an Artificial Intelligence Policy March 18, 2024

Vaishali Rao Analyzes in ARM Compliance Digest: FTC Takes Steps to Protect Consumers from Al Deepfakes March 8, 2024

Global Cybercriminals Turn to AI: How Can Companies Respond?

March 7, 2024

Three Hinshaw Partners Selected to Crain's Chicago 2024 Notable Women in Law February 20, 2024

Edward Donohue Analyzes 95 Percent Spike in 2023 Ransomware Attacks via CLM February 15, 2024

Via FinOps Report: Cathy Mulrow-Peattie Discusses NYDFS Cybersecurity Regulation Implications for the Financial Services C-Suite

February 15, 2024

Hinshaw Adds Privacy, Cybersecurity, and Artificial Intelligence Regulatory Partner in New York December 13, 2023

Hinshaw Adds Experienced Cross-Border Transactions Partner in Chicago November 20, 2023

Hinshaw Recognized as "Distinguished in Litigation" in BTI Consulting's Litigation Outlook 2024 Survey November 16, 2023

Annmarie Giblin Discusses Implications of Recently Unveiled Biden Administration National Cybersecurity Strategy March 8, 2023

Annmarie Giblin Discusses Shift in Attitude by Companies Regarding Cyberinsurance and Increased Government Focus on Cybersecurity

December 7, 2022

Annmarie Giblin Discusses Challenges for Insurers Signaled by Killnet Cyberattacks October 28, 2022

Hinshaw Insurance Law TV – Cybersecurity Third and Final Part: Ransomware October 13, 2022

Hinshaw Insurance Law TV – Cybersecurity Part Two: The Rise in Cyber Negligence Cases October 6, 2022

Hinshaw Insurance Law TV – Cybersecurity Part One: Data Breach Notification September 29, 2022

John Ryan Discusses Privacy and Security Issues Associated with Facial Recognition Software September 9, 2022

Corporate Counsel Magazine Reports on Remarks by Annmarie Giblin Regarding Cybersecurity Risks of Remote Work August 12, 2022

Michael Dowell Discusses Cybersecurity and Cyberattack Prevention Strategies for Pharmacies May 16, 2022



Annmarie Giblin Explains How Treating Data as Property Could Open the Door to Novel Data Litigation Claims May 12, 2022

JD Supra Names Scott Seaman and Joanna Storey as Top Authors in its 2022 Readers' Choice Awards March 7, 2022

Annmarie Giblin Discusses in National Media Outlets Heightened Cybersecurity Risks Amid Ukraine Conflict March 7, 2022

Hinshaw Adds Experienced Cyber and Privacy Partner in New York December 21, 2021

Jason Oliveri Authors Article on Evolving Right to Privacy in United States December 14, 2021

On the Greg & Dan Show: Ambrose McCall Discusses Biometric Privacy and President Biden's Proposed Vaccine Mandate

September 30, 2021

Thaddeus Harrell Reviews Impact of State Privacy Laws on Workplace Social Media Policies in dp-PRO Magazine August 26, 2021

Hinshaw Adds Experienced Insurance Partner in New York August 18, 2021

Hinshaw Continues Expansion of Gulf Coast Presence with Financial Services Partner in New Orleans July 15, 2021

JD Supra Names Hinshaw Attorneys Top Authors in 2021 Readers' Choice Awards April 1, 2021

Joanna Storey Provides Ten Best Practice Tips for Remote Appearances in CNA Insurance Publication March 9, 2021

Commentary in Mealey's Litigation Report: 2020 Cyber And Privacy Coverage – A Year In Review January 27, 2021

Events

Justyna Regan to Moderate the Chicago Bar Association's Virtual Seminar on the Latest Developments in Privacy Laws June 5, 2024

Webinar

Bessie Daschbach and Cathy Mulrow-Peattie to Present at the Global GRC, Data Privacy & Cyber Security ConfEx May 21, 2024

New York, New York

Tony Jacob and Justyna Regan to Present on Emerging Developments in Data Privacy in association with the Advocates Society CLE Program

March 21, 2024

Copernicus Center - The Annex, Chicago, Illinois

Tony Jacob and Justyna Regan Speak on Emerging Developments in Data Privacy October 24, 2023 Chicago, Illinois



Tony Jacob and Justyna Regan Speak on Emerging Developments in Data Privacy

October 20, 2023 Chicago, Illinois

Steven Puiszis to Present on the Future of Generative AI/ChatGPT for Law Firms

July 25, 2023

New York, New York

Annmarie Giblin to Appear on Popular Webinar Series "SaaS Contracts in the Real World"

November 15, 2022

Virtual Event

Steven Puiszis to Present on Navigating Ethical Issues in the Wake of a Cyber Breach

September 22, 2022

Northwestern Pritzker School of Law, Northwestern University, Chicago, Illinois

Hinshaw's Annmarie Giblin and Laura Knittle Discuss Cyber Insurance Protection at the 6th Annual EdTech Conference for Independent Schools

June 23, 2022

Virtual Event

Annmarie Giblin Discusses How to Handle Communications with Law Enforcement During a Cyber Incident June 1, 2022

Cyber and Privacy Law for School Districts: An Overview of the Legal Issues and Risks

February 17, 2022

Virtual

Hinshaw Attorneys to Present at the APCIA Western Region General Counsel Conference

July 27 – 28, 2021

Virtual Event

Joanna Storey and Heather McArn to Discuss Cybersecurity and Legal Ethics

July 20, 2021

Virtual Event

Judy Selby to Present On U.S. Privacy Law at Council Meeting of International Institute for Conflict Prevention &

Resolution

June 4, 2021

Virtual Event

Judy Selby to Present on Legal Aspects of Addressing Ransomware Attacks

May 6, 2021

Judy Selby to Present at the 2021 ABA TECHSHOW on Cybersecurity and Cyberliability Insurance

March 9, 2021

Virtual Conference

Dustin Alonzo to Discuss Protecting Client Information in Times of COVID at New Orleans Bar Association Webinar December 15, 2020

Judy Selby to Present at Privacy and Cross-Border Jurisdictions Webinar Hosted by Columbia University November 18, 2020

Publications



Hinshaw's Privacy, Security & Artificial Intelligence team is dedicated to bringing you best practices and offering tips that we believe will be of value in managing data protection and security programs, cybersecurity incidents, and artificial intelligence systems.

Navigating the Latest State Al Laws: What Your Business Needs to Know

May 1, 2024

Privacy, Cyber & Al Decoded

Q&A: How Businesses Must Comply with New Kentucky and Nebraska Privacy Laws

April 23, 2024

Maryland Legislature Passes Comprehensive Data Privacy Bill

April 19, 2024

Privacy, Cyber & Al Decoded

4 Key Takeaways for Privacy Professionals Taken From the IAPP 2024 Global Summit

April 5, 2024

Privacy, Cyber & Al Decoded

Q&A: New Hampshire Becomes the Fourteenth State to Pass a Data Privacy Law—With More States Waiting in the Wings

March 13, 2024

Privacy, Cyber & Al Decoded

A Surge in Illinois Genetic Information Privacy Act (GIPA) Claims Poses Threat to Employers

March 5, 2024

Privacy, Cyber & Al Decoded

CCPA Revised Regulations Enforcement Date Unaffected by the California Chamber of Commerce Appeal

February 28, 2024

Privacy, Cyber & Al Decoded

California Regulators Win Their Appeal to Enforce the CCPA Revised Regulations as of July 1, 2023

February 12, 2024

Privacy, Cyber & Al Decoded

Q&A: Four State Data Privacy Compliance Insights for 2024

February 9, 2024

Privacy, Cyber & Al Decoded

Marking Data Privacy Week With Four 2024 Predictions

January 31, 2024

Privacy, Cyber & Al Decoded

Lucky Number 13: What to Look Out For in New Jersey's Data Protection Law

January 24, 2024

Privacy, Cyber & Al Decoded

Ohio Supreme Court Rules No Coverage For Ransomware Attack Under BOP Policy Because Computer Software

Sustained No Direct Physical Damage

December 28, 2022

Insights for Insurers

How Ancient Wisdom Can Illuminate Data Privacy Compliance for Both Newcomers And Hold-Outs

August 23, 2022

Data & Cyber Law Decoded

Balancing Privacy Regulation With Innovation and the Needs of Small and Medium-Sized Businesses



August 9, 2022

Data & Cyber Law Decoded

Get Ready for a Comprehensive U.S. Data Privacy and Protection Law at the Federal Level... Maybe

July 26, 2022

Data & Cyber Law Decoded

FTC Overhauls Safeguards Rule Regarding Customer Information Applicable to Auto-Dealers and Other "Financial Institutions"

December 2, 2021

Hinshaw Privacy & Cyber Bytes

FTC to Increase Enforcement Against Illegal Dark Patterns Targeting Consumers with Subscription Schemes

November 3, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Law Essentials: California's Genetic Information Privacy Act

October 12, 2021

Hinshaw Privacy & Cyber Bytes

FTC Gives Notice to Health Apps: You're Subject to the Health Breach Notification Rule

September 28, 2021

Hinshaw Privacy & Cyber Bytes

China's New Privacy Law: Both a Shield And a Sword

September 17, 2021

Hinshaw Alert

SEC Lessons Learned: Public Companies Must Accurately Disclose Material Cyber Breaches to Investors

August 24, 2021

Hinshaw Privacy & Cyber Bytes

A Cautionary Tale Involving a Business, a Privacy Policy, and an Email

August 12, 2021

Hinshaw Privacy & Cyber Bytes

Wisconsin Adopts New Insurance Cybersecurity Law

August 10, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Proposed Federal "Setting an American Framework to Ensure Data Access, Transparency, and Accountability Act"

August 6, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Ohio Personal Privacy Act

July 16, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Law Essentials: New York City's Tenant Data Privacy Act

July 16, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Law Essentials: New York City Biometric Identifier Law Goes into Effect

July 13, 2021

Hinshaw Privacy & Cyber Bytes

FTC Lessons Learned: COPPA Applies to Adult Coloring Book App That Also Targeted Children



July 8, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Social Media Privacy Protection and Consumer Rights Act of 2021

June 22, 2021

Hinshaw Privacy & Cyber Bytes

FTC Lessons Learned: Encrypt Consumer Data When Your Privacy Policy Says You Encrypt Consumer Data

June 16, 2021

Hinshaw Privacy & Cyber Bytes

Connecticut Cybersecurity Bill Prohibiting Punitive Damages for Businesses Advances in State Legislature

June 16, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Nevada Seeks to Broaden Online Privacy Laws

June 9, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: An Update on the Colorado Privacy Act

June 9, 2021 | Updated July 8, 2021 Hinshaw Privacy & Cyber Bytes

U.S. Supreme Court Limits Reach of Computer Fraud and Abuse Act

June 9, 2021

Hinshaw Privacy & Cyber Bytes

The Illinois Department of Insurance Issues Cybersecurity Guidance Regarding Microsoft Exchange Server Installations

June 4, 2021

Hinshaw Privacy & Cyber Bytes

Cybersecurity Compliance Emphasized at MBA's Legal Issues and Regulatory Compliance Conference

June 3, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Proposed Federal Children and Teens' Online Privacy Protection Act

May 20, 2021

Hinshaw Privacy & Cyber Bytes

Shh, Your Speaker is Listening: California Considers Consumer Privacy Protections for Smart Speaker Devices

May 18, 2021

Hinshaw Privacy & Cyber Bytes

Iowa Becomes the Latest State to Adopt the NAIC Model Cybersecurity Law

May 11, 2021

Hinshaw Privacy & Cyber Bytes

FTC Lessons Learned: Corporate Board Oversight

May 6, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Proposed Federal Consumer Data Privacy and Security Act

May 5, 2021

Hinshaw Privacy & Cyber Bytes

The Proverbial Other Foot: Proposed U.S. Legislation Could Ban Personal Data Transfers to Ireland and Other U.S. Allies

April 29, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Pennsylvania Consumer Data Privacy Act (HB 1126)



April 22, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Proposed Connecticut Consumer Privacy Act (S.B. 893)

April 20, 2021 | Updated June 28, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Alaska

April 16, 2021

Hinshaw Privacy & Cyber Bytes

Connecticut Insurance Department Issues Guidance on Big Data Use by Insurers

April 15, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Alabama Consumer Privacy Act

April 12, 2021 | Updated June 11, 2021

Hinshaw Privacy & Cyber Bytes

Maine Enacts NAIC-Inspired Cybersecurity Law

April 7, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: West Virginia HB 3159

April 6, 2021 | Updated May 11, 2021 Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Data Care Act

April 1, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Colorado Privacy Act

March 29, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Washington

March 25, 2021 | Updated, April 28, 2021

Hinshaw Privacy & Cyber Bytes

Utah Becomes the Second U.S. State to Establish Affirmative Defenses for Data Breach

March 22, 2021

Hinshaw Privacy & Cyber Bytes

Approval of Additional CCPA Opt-Out Regulations

March 17, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: A Federal Information Transparency and Personal Data Control Act

March 16, 2021

Hinshaw Privacy & Cyber Bytes

New York DFS Fines Mortgage Lender \$1.5M for Failure to Report Cyber Breach

March 11, 2021

Hinshaw Privacy & Cyber Bytes

New York DFS Issues Report Detailing Findings From Its Investigation of Facebook Data Privacy Practices

March 10, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Rhode Island



March 5, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Illinois

March 2, 2021

Hinshaw Privacy & Cyber Bytes

New York State Department of Financial Services Warns of New Fraudulent Campaign Targeting Consumer NPI

February 23, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Oklahoma

February 23, 2021 | Updated May 13, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Florida

February 23, 2021 | Updated March 31, 2021 | Updated May 3, 2021

Hinshaw Privacy & Cyber Bytes

Privacy Bill Essentials: Utah

February 23, 2021

Hinshaw Privacy & Cyber Bytes

Lesson Learned From Recent FTC Settlement: Be Cautious With Compliance "Seals"

February 19, 2021

Hinshaw Privacy & Cyber Bytes

Connecticut Extends Deadlines to Comply with Insurance Data Security Law, New York Approved as a Safe Harbor Jurisdiction

February 16, 2021

Hinshaw Privacy & Cyber Bytes

Here's How to Prepare for CPRA and Proposed VCDPA Requirements Concerning Sensitive Information

February 11, 2021

Hinshaw Privacy & Cyber Bytes

New NYS DFS Cyber Insurance Risk Framework Warns Against Ransom Payments, Includes Notice to Law Enforcement Policy Requirement

February 8, 2021

Insights for Insurers: Cyber Coverage

Virginia Contemplates Sweeping New Data Protection Law

February 4, 2021

Hinshaw Privacy & Cyber Bytes

Proposed North Dakota Law Would Require Consent for User Data Sales, Authorize Private Right of Action with Steep

Minimum Damages

February 3, 2021

Hinshaw Privacy & Cyber Bytes

Minnesota Considers Adopting a CCPA-Inspired Consumer Data Privacy Bill

February 2, 2021

Hinshaw Privacy & Cyber Bytes

Governor Cuomo Proposes Greater Data Privacy Protections and BankTech Assistance for New York Financial Institutions

January 28, 2021

Hinshaw Privacy & Cyber Bytes

Six Information Security Tips to Mitigate the Risk of a SolarWinds-Like Breach



January 13, 2021 Hinshaw Privacy & Cyber Bytes

FTC Settlement with Photo Storage App Provides Cautionary Tale About the Importance of Complying with Your Own Privacy Policy

January 12, 2021

Hinshaw Privacy & Cyber Bytes

Proposed Biometric Privacy Law with Private Right of Action Introduced in New York

January 8, 2021

Hinshaw Privacy & Cyber Bytes

Hindsight is 2020: Data Privacy Law Year in Review

January 5, 2021

Hinshaw Privacy & Cyber Bytes

What You Need to Know About California's New Voter-Approved California Privacy Rights Act

December 15, 2020

Hinshaw Alert

E.U. Parliament Endorses Directive to Permit Collective Consumer Lawsuits, Including for GDPR Violations

December 10, 2020

Insights for Insurers: Cyber Coverage

No E&O Coverage for Title Agent's Phishing Losses

December 4, 2020

Insights for Insurers: Cyber Coverage

Is New York's New Consumer Privacy Bill a Bridge Too Far?

November 2, 2020

Insights for Insurers: Cyber Coverage