

CYBERSECURITY & PRIVACY

Areas of Focus

- California Consumer Data Privacy Act (CCPA) / California Privacy Rights Act (CPRA)
- EU and U.K. General Data Protection Regulations (GDPR)
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- The New York SHIELD Act
- Virginia Consumer Data Privacy Act (VCDPA)

States with Cybersecurity & Privacy Laws

“There are only two types of companies: those that have been hacked, and those that will be. Even that is merging into one category: those that have been hacked and will be again.”

- Robert Mueller, Former FBI Director

Whether a company is a family business or a *Fortune* 500 corporation, it must be concerned with protecting its cybersecurity and privacy. This is one thing all businesses have in common. From health care providers, to construction companies, and even locally-owned restaurants: all are at risk for a major data breach.

As has been proven time and time again, in just a few minutes, one breach can ruin the reputation a company spent decades building. Hodgson Russ attorneys in the Cybersecurity & Privacy Practice are dedicated to ensuring your company's reputation remains in-tact.

Our cybersecurity & privacy attorneys understand the risks businesses face every day. Threats can be as large as a full-blown cyberattack, as small as the loss of a laptop computer, or the mistaken release of a customer's personal information. While the circumstances surrounding each threat may be different, the response must always be prompt and precise.

With the ever-changing technological advances, as well as the growing threats to a company's cybersecurity, it's now more important than ever to have a plan in place to protect your customers' privacy before a breach happens.

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Taking Preventive Steps & Action

Cyber-Protection Planning

To safeguard your business, Hodgson Russ will help develop a comprehensive cyber-protection plan around the following key objectives:

- Complying with privacy- and breach-notification laws, including Dodd-Frank, Gramm Leach Bliley, the EU Privacy Directive, and state laws
- Responding to the National Institute of Standards & Technology's (NIST's) Cybersecurity Framework, released in February 2014
- Developing, implementing, and updating a cybersecurity plan
- Ensuring your business is covered by adequate cyber-liability insurance, including first-party coverage for data-breach costs and third-party coverage for lawsuits

Data Breach Remediation and Response Services

Even the best preparation won't prevent every mistake, data breach, or cyberattack. When the inevitable breach occurs, Hodgson Russ attorneys provide breach remediation and response services, helping clients take immediate steps to contain, investigate, and remediate the breach.

We also work with clients to ensure they comply with all applicable breach-notification laws, both national and international. Our attorneys will also guide you through any inquiries and investigations by the FTC, SEC, and other state and federal regulatory authorities.

Defending Clients' Interests

In the event your company is sued as a result of the breach, our experienced litigation team will fight in court to protect your business and legal interests.

In doing so, we'll be sensitive to the fact that you're still running a business, keeping our fees and costs reasonable and ensuring that we use only the time and resources we absolutely need to achieve your objectives.

Tools & Resources

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- States that have already adopted cybersecurity and privacy laws.

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- [Are your clients aware of the amendments to the CCPA?](#)
- [Are your clients aware of the SHIELD Act?](#)
- [Comparing the GDPR and CCPA](#)
- [Virginia Consumer Data Protection Act](#)
- [The Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)
- [Children's Online Privacy Protection Rule \(COPPA\)](#)

Experience

A municipality upgrading its billing software was considering an online payment option for its taxpayers. Hodgson Russ offered advice on how to protect the municipality from cyber threats.

Hodgson Russ counseled an insurer on the scope of coverage potentially available under a CGL policy for a cyber claim involving the theft of customer information from a parking-ramp payment machine.

Hodgson Russ expeditiously analyzed the scope of a data breach for a regional financial institution and prepared breach notification notices to the required parties. As a result of the client's immediate response, the client was able to avoid any adverse consequences.

Three former employees of a retailer exploited a flaw in payment software designed to prevent duplicate charges. The value of the loss exceeded \$1 million. Hodgson Russ represents the retailer in the submission of its cyber insurance claim and its demand for indemnification from the software installer.

In the News

Gary Schober Gives Insight to Wegmans' Discontinuation of SCAN App
WGRZ, September 15, 2022

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Reetuparna Dutta Named to Class of 2022 “40 Under 40”

Buffalo Business First, September 14, 2022

Coronavirus Resource Center

New data privacy laws for doing business in Canada could soon be in play

Buffalo Business First, January 14, 2021

Thought Leaders: Evolution of Data Privacy

Buffalo Business First, April 24, 2020

All the Scary Ways Health Apps Are Using Your Data

New York Post, November 11, 2019

Buffalo Business First - Thought Leaders: Cyber Risks

Buffalo Business First, March 23, 2018

Ownership and control of websites vary

Buffalo Law Journal, March 7, 2016

How I...Combat Cyber Attacks

Buffalo Business First, May 29, 2015

The Morning Risk Report: Sony Debacle Starts New Age of Cyber Risk

Wall Street Journal, December 19, 2014

Press Releases

Reetuparna Dutta Named to *Buffalo Business First* Class of 2022 “40 Under 40”

September 16, 2022

Hodgson Russ Announces Its Privacy, Data Breach & Cybersecurity Practice

Press Release, May 1, 2014

Publications

Chick-fil-A Confirms Data Breach

Hodgson Russ Food & Beverage Alert, March 20, 2023

Does Your Website Comply With U.S. Law and The Implications if it Does Not

Hodgson Russ Canada-U.S. Cross-Border and Cybersecurity & Privacy Alert, July 7, 2022

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OCR Issues Proposed Rule to Amend Key Provisions of the HIPAA Privacy Rule to Support and Remove Barriers to Coordinated Care and Individual Engagement

Hodgson Russ Cybersecurity and Privacy Alert, February 26, 2021

Department of Commerce Issues White Paper on E.U.-U.S. Data Transfers Following *Schrems II*

Hodgson Russ Cybersecurity & Privacy Alert, December 2, 2020

The Election Results Are In: The Next Phase of California Privacy Law

Hodgson Russ Cybersecurity & Privacy Alert, November 11, 2020

Protecting IT Forensic Reports in the Wake of a Data Breach

Hodgson Russ Cybersecurity & Privacy Alert, October 1, 2020

Another Challenge to the Transfer of Foreign Data to the U.S.

Hodgson Russ Cybersecurity & Privacy Alert, September 15, 2020

AG Announces Final CCPA Regulation in Effect

Hodgson Russ Cybersecurity & Privacy Alert, August 25, 2020

HIPAA Enforcement Relaxed, But Not Abandoned

Hodgson Russ Healthcare and Cybersecurity & Privacy Alert, August 14, 2020

Invalidation of the Privacy Shield: What the Regulators are Saying

Hodgson Russ Cybersecurity & Privacy Alert, August 11, 2020

Presentations & Events

Cybersecurity Conference - NYC

605 Third Avenue, Suite 2300, New York, NY, January 24, 2024

Key Threats and Cyber Risks Facing Financial Institutions

September 21, 2023

Cybersecurity Conference

Hodgson Russ LLP, The Guaranty Building, 140 Pearl Street, Buffalo NY 14202, June 6, 2023

Ontario Legal Conference - Cross Borders

Ontario Bar Association, May 4, 2023

California's Privacy & Data Security Law: A Harbinger of Things to Come?

February 8, 2023

Navigating the New Normal: Increased Cyber Risks Post-Covid

140 Pearl Street, Suite 100, Buffalo, New York, 14202, November 30, 2022

CYBERSECURITY & PRIVACY

Panel of Experts: Cyber Security 2021
September 30, 2021

Virtual Bridge Market Entry Program: Data Privacy, Cybersecurity, and Protecting Technology
April 29, 2021

Is Your Firm Ready for the CCPA?
July 29, 2020

4th Annual Westchester Summer CyberSecurity Conference
Tarrytown, NY, August 15, 2019

