



PRIVACY, CYBERSECURITY AND E-DISCOVERY

Privacy and eDiscovery share similar spaces in the modern world. With privacy concerns, businesses almost always have an eDiscovery issue. Recognizing the close fit between these two disciplines, our Privacy and eDiscovery attorneys are prepared to tackle the full gamut of legal issues arising from these disciplines. As electronically stored information continues to grow at exponential rates and technology makes it easier than ever before to track, collect, and store proprietary, personal, and confidential information about businesses and individuals, companies are implementing privacy-based policies proactively before a data breach occurs. Nevertheless, every day companies suffer data breaches from what are believed to be secure networks. Our Privacy attorneys and professionals counsel business and technology executives in proactive data breach

policy-making, internal investigations, and data breach response, including litigation resulting from same. The proactive approach taken by our attorneys saves businesses time and money in the event of a data breach by an employee, a former employee, or a third party.

Cybersecurity

Our privacy attorneys counsel companies and businesses on all facets of cybersecurity including unauthorized use of electronic data by employees, former employees, and third parties who pose cyberthreats to clients' businesses, as well as the associated response in the event a computer crime occurs.

eDiscovery

In addition, our Privacy attorneys advise businesses on compliance with federal and state laws such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH), the Gramm-Leach-Bliley Act (GLB), Genetic Information Non-Discrimination Act of 2008 (GINA), and the Fair and Accurate Credit Transactions Act (FACTA), among others.

Electronic discovery (eDiscovery) is becoming a critical component of litigation and records management. Approximately 93% of all business records are created and stored electronically with 50% never reaching printed hard copy form. Unwieldy and improperly managed growth of electronically stored information can be costly in litigation.

eDiscovery extends beyond electronic documents created in applications such as Microsoft Word or Excel, to include email, text messaging, telecommunication records, voicemail, recorded video, blogs and the actual user computers for mining of electronic "trails" for activity, actions and deleted information. eDiscovery extends beyond personal computers to encompass cell phones, tablets, servers, cloud computing, online data repositories, data replication and data backups.

Our eDiscovery attorneys and professionals counsel business and technology executives both in a reactionary phase and in a proactive approach to eDiscovery. The reactionary phase involves providing the appropriate response measure for impending or current litigation. The proactive approach aligns your business objectives and workflow to better

track, identify and manage the lifecycle of electronically stored information through legally defensible policies and business practices.

We provide assistance to our clients through all phases of eDiscovery including: information management, identification, preservation, collection, processing, review, analysis, production and presentation.



Check out our [Privacy and eDiscovery blog](#) which focuses on legal issues, news and developments in this area of law!

For questions or more information, please contact [Drew Sorrell](#), Chair of the firm's Privacy & eDiscovery Group.