

# Cybersecurity & Data Privacy

Amundsen Davis's Data Privacy and Security Practice is comprised of a multidisciplinary team of lawyers, who understand that companies, large and small, are constantly trying to navigate the legal implications of data, or *cyber security* and *data privacy*. Our attorneys counsel clients, in a variety of industries and sectors, on privacy matters, which can include data mapping and privacy audits and the tailoring of both internal and outward facing policies.

We collaborate closely with our clients in risk mitigation and ensuring compliance with a range of standards including PCI, GDPR, HIPAA and HITECH, CCPA compliance and BIPA. Our services extend to managing employee privacy requirements, record retention and electronic discovery assessments, click-wrap agreements, and adherence to consumer statutes such as the CAN-SPAM Act and the TCPA.

Our role as trusted advisers includes developing incident response plans and serving as breach coaches in the wake of data incidents. With years of experience, our team assists clients in preparing for, responding to and litigating the aftermath of data breaches. We leverage our network of forensic experts and privacy professionals to provide advice on emerging vulnerabilities, cyber threats but also counsel on how to respond to data incidents swiftly, efficiently and with an eye toward getting the business back up-and-running securely. We understand that while data incidents, like ransomware attacks, happen at an alarming pace, the experience for our clients is personal and a chief concern can be preserving your brand post-incident.

Beyond cyber attacks, we address internal challenges such as employee errors that can lead to significant financial repercussions or trigger notification obligations due to unauthorized information sharing. Our extensive experience spans diverse sectors, including health care, financial services, public entities, nonprofits, technology support services, and small to mid-size firms.

We also defend businesses in critical situations, handling everything from class action lawsuits based on federal, state, and local statute violations to specific industry claims, such as breaches in the health care sector or failures in HIPAA and HITECH compliance.

Our global network of privacy professionals enables us to develop broad-based strategies for addressing cybersecurity, data, and privacy issues worldwide.

Our capabilities include:

- Defense of clients against class action data breach litigation based on alleged unauthorized releases of data and misuse of data based upon alleged

## PROFESSIONALS

Molly A. Arranz  
Partner

Ronald Balfour  
Partner

Michael M. Chang  
Associate

Michael F. Hughes  
Partner

Joseph Klocke  
Partner

John Ochoa  
Partner

Thomas J. Pienkos  
Partner

Eric L. Samore  
Partner

Timm W. Schowalter  
Partner

Jennifer K. Stuart  
Partner

Sofia Valdivia  
Associate

Erin A. Walsh  
Partner

## AREAS OF CONCENTRATION

Biometric Privacy

breaches.

- Review and revision of current security policies and procedures in connection with data collection and data review. We evaluate vulnerabilities and ensure compliance with applicable laws and regulations.
- Assistance in the development of internal policies and procedures that are consistent with consumer protection regulations, data privacy practices, notification requirements, state and federal privacy laws and whistleblower laws to navigate the best methods for the collection and storage of company data.
- Assistance in consumer facing policies and agreements to reflect the cyber-hygiene practices of the company, as required by law, and developing mechanisms for obtaining necessary opt-in and consent for collection of data.
- Audit existing procedures and practices consistent with industry standards and legal requirements to reduce the risk of a data breach.
- Serving as a breach coach: coordinating and implementing the incident response plan or data breach plan, which includes a team of forensic, security, public relations and insurance professionals.
- Crafting a data incident response tailored to our clients' needs and brand, including notifying affected customers, employees, business partners and regulators in accordance with state and federal laws.

At Amundsen Davis, we commit to safeguarding your business's data, privacy, and overall operational integrity through our comprehensive legal services.

## MEET AMUNDSEN DAVIS'S CYBERSECURITY & DATA PRIVACY SERVICE GROUP:

### Experience

Obtained Dismissal of a Class Action Illinois Biometric Information Act Complaint Filed Against a Manufacturer

Secured Dismissal of Website Tracking Claims, Based Upon Use of Meta Pixel, Against a Healthcare Organization

Assisted in an Automotive Dealer's Response to a Data Breach of Financial Documents

Represented a Hospital in a Data Breach Orchestrated by Former IT Employees

Assisted with a Data Incident Response to a Disclosure of Protected Health Information

Successfully Defended a Company in a Cyberstalking Claim

Investigated a Matter Where Customer Social Security Numbers Were Inadvertently Disclosed

Assisted an Accounting Firm that Suffered a Data Breach Orchestrated by Overseas Hackers

Investigated Data Incident with a Web Server

Coordinated the Response when a Small Company Suffered a Data Incident After an Employee's Laptop was Stolen

Investigated Personal Information Protection Act After a Breach

Assisted a Multi-national Company in Responding to Three Separate Data Incidents

Helped to Revise and Implement a Record Retention Program

Coordinated with the First Responders as to a Ransomware Attack from Overseas

Assisted with Data Incident Response Where Accounts Were Accessed Overseas

Advised an Insurance Provider on Compliance with New York's Cybersecurity Regulations and Other States Enacting Similar Regulations

Defended a Hospital from a Class Action Arising from a Data Breach

Advising a Multinational Company on a Response and Potential Remedies for a Hacker Bounty Engagement by a Business Partner

Represented a Direct Marketing Company in a \$50 Million Cash-Out Merger and Sale to a Private-Equity Backed Competitor

Successfully Defended an Illinois Manufacturer Against the Illinois Biometric Information Privacy Act Claims

Developed a Texting Program for an Insurance Company for the Launch of a New Marketing Campaign

Helps a National Multi-Line Insurance Company With Multiple Areas of Representation and Business Operations

Assisted a Chemical Manufacturer in Response to an Espionage Scheme to Steal Trade Secrets and Intellectual Property

Coordinated the Response of a Financial Service Firm in a Data Breach and Wire Fraud Scheme

Cybersecurity  
& Data  
Privacy

## Firm News

Molly Arranz and Sofia Valdivia Receive Law360 Distinguished Legal Writing Award

Firm News, March 1, 2024

Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!

Firm News, February 10, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, January 23, 2023

42 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023

Firm News, August 18, 2022

Amundsen Davis Promotes Five Attorneys to Partner

Firm News, March 14, 2022

Amundsen Davis Welcomes Labor & Employment Attorney Timm W. Schowalter as Partner in St. Louis

December 27, 2021

Amundsen Davis Attorneys Included in the 2021 Missouri Super Lawyers List

*Amundsen Davis*, November 18, 2021

Amundsen Davis Welcomes Sofia Valdivia to Class Action, Data Privacy & Security, and Commercial Transportation Practice Groups

November 10, 2021

Amundsen Davis Promotes Two to Partner

February 22, 2021

Amundsen Davis Attorneys Included on the 2020 Missouri Super Lawyers and Rising Stars List

*Amundsen Davis*, November 16, 2020

Amundsen Davis Promotes Three to Partner

February 24, 2020

Amundsen Davis Ranks on Crain's Chicago Business' 2018 Largest Law Firms List

*Crain's Chicago Business*, October 25, 2018

Amundsen Davis Ranks on Crain's Chicago Business' Largest Law Firms List

*Crain's Chicago Business*, September 15, 2017

Cybersecurity  
& Data  
Privacy

Amundsen Davis Ranks on Crain's Chicago Business' Chicago Largest Law Firms List  
Firm News, *Crain's Chicago Business*, September 10, 2016

### In the Media

John Ochoa Interviewed by *Cook County Record* on Genetic Information Privacy Act (GIPA)  
Media Mention, *Cook County Record*, October 12, 2023

CyberSecurity Misconceptions -- ITSPMagazine Interviews Molly Arranz  
Media Mention, *ITSPMagazine*, June 8, 2020

Law Firms Weigh in on Privacy Rules for Biometrics for Online Work and School - BiometricUpdate.com Quotes Molly Arranz  
Media Mention, *BiometricUpdate.com*, April 28, 2020

Molly Arranz Quoted in the *Cook County Record* on Facebook Settlement of Biometric Class Actions  
Media Mention, *Cook County Record*, February 5, 2020

How Criminal Organizations Have Refined Their Techniques -- Molly Arranz Quoted by *CNBC*  
Media Mention, *CNBC*, June 26, 2019

Molly Arranz Quoted in *Chicago Lawyer* Article, "Cyber Insurance: Are Insurers' New Digital-Attack Policies Worth the Hype?"  
Media Mention, *Chicago Lawyer*, June 4, 2018

### Alerts

Illinois' Genetic Information Privacy Act: Litigation Trends in 2024 and Beyond  
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, March 11, 2024

Don't Gamble With Your Cybersecurity and Incident Response Plan: Lessons Learned from the Las Vegas Ransomware Attacks  
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, September 21, 2023

Ready, Set, BIPA! Missouri Among States Considering Biometric Information Privacy Legislation  
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, August 24, 2023

BIPA's Discretionary Damages in Practice: BNSF Gets Its Shot to Reduce a Historic \$228 Million Judgment  
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, July 11, 2023

Best Business Practices to Prevent or Reduce the Risk of Wire Transfer Fraud  
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, June 14, 2023

Cybersecurity  
& Data  
Privacy

The Genetic Information Privacy Act Could Bring the Next Wave of Class Actions in Illinois

Article, *Amundsen Davis Class Action Alert*, March 15, 2023

Another Data Collection Tool Leads to Privacy Class Actions

Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, March 9, 2023

IL Supreme Court Holds Workers' Compensation Exclusive Remedy Does Not Kill BIPA Claims

Article, *Amundsen Davis Data Privacy & Security and Labor & Employment Alert*, February 3, 2022

Employers' Rights Under the Computer Fraud and Abuse Act (CFAA) Narrowed after Supreme Court Decision in *Van Buren*

*Amundsen Davis Data Privacy & Security and Labor & Employment Alert*, November 8, 2021

Ready or Not: New Wisconsin Cybersecurity Law—Act 73—Imposes Cybersecurity Requirements on Insurance Providers

Article, *Amundsen Davis Data Privacy & Security Alert*, July 16, 2021

Pre-Judgment Interest Law Takes Effect July 1, 2021

*Amundsen Davis Alert*, June 2, 2021

Data Collection Class Actions on the Rise: Consider Your Privacy Compliance

*Amundsen Davis Data Privacy & Security Alert*, February 24, 2021

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments

*Amundsen Davis Data Privacy & Security Alert*, October 9, 2020

A Data Protection Checklist for Education Vendors Navigating the "New Normal" of Remote Learning

*Amundsen Davis Data Privacy & Security Alert*, September 28, 2020

A National Biometric Privacy Law? Laws Protecting "Biometric" Identifiers Continue to Cut a Blazing Trail

*Amundsen Davis Data Privacy & Security Alert*, August 19, 2020

Emails Seemingly Sent from the Small Business Administration Regarding COVID-19 Loan Relief Could Be Phishing Emails: Exercise Caution!

*Amundsen Davis Data Privacy & Security Alert*, August 14, 2020

Top 5 Data Privacy Considerations when Managing a Workforce Working at Home

*Amundsen Davis Data Privacy & Security Alert*, April 16, 2020

Biometric Data in the Days of Virtual Interaction and E-Learning

*Amundsen Davis Data Privacy & Security Alert*, April 7, 2020

Cybersecurity  
& Data  
Privacy

Messaging about Deals, Sales or Curbside Pickup? What to Consider Before Texting Customers

*Amundsen Davis Data Privacy & Security Alert*, March 30, 2020

Cybersecurity in the Home Office: How to Stay Vigilant During COVID-19

*Amundsen Davis Data Privacy & Security Alert*, March 26, 2020

The California Consumer Privacy Act: A Landmark Law Heralding the Future of Consumer Privacy?

*Amundsen Davis Data Privacy & Security Alert*, October 24, 2019

Insurance Companies Take Note: Another Compliance Concern For Your Cybersecurity "To Do" List

*Amundsen Davis Data Privacy & Security Alert*, April 26, 2019

Ransomware Attack of Fleet Vehicles? Yes, It Could Happen to You

*Amundsen Davis Alert*, August 3, 2018

Beware of the New General Data Protection Regulation: Is Your Business Collecting Personal Data from EU Citizens?

*Amundsen Davis Corporate Alert*, June 22, 2018

U.S. Companies with Global-Reach Take Note: GDPR is on the Fast-Approaching Horizon

*Amundsen Davis Data Privacy & Security Alert*, May 21, 2018

*Spokeo*: Now Part of Your Daily Dose of Data Breach Litigation

*Amundsen Davis Data Security & Breach Alert*, October 21, 2016

That Data is Mine - The Driver Privacy Act of 2015

*Amundsen Davis Transportation Alert*, July 15, 2016

The Customer is Always Right? Restaurant Patrons Don't Need to Wait Until Hackers Attack

*Amundsen Davis Data Security & Breach Legal Update*, May 16, 2016

Six-Figure Fine Teaches a Lesson in Keeping Your Data Security Promises

*Amundsen Davis Data Security & Breach Legal Update*, April 8, 2016

## Events

Illinois BIPA Law Developments & Liabilities: Why You and Your Business Should Care

Speaking Engagement, AssuredPartners, Webcast, June 28, 2023

How Not to Get Fired as a General Counsel

Speaking Engagement, The Osthoff Resort; Elkhart Lake, WI, May 18, 2023

Navigating Patient Privacy Against the Backdrop of Court Rulings, New Privacy Laws, and a Sophisticated Threat Landscape  
Speaking Engagement, Hilton Chicago; Chicago, IL, November 18, 2022

Ransomware and Other Cyber-Related Issues  
USLAW Network General Counsel and Outside Counsel Forum; Phoenix, AZ, May 2022

Lessons from a Lawyer: Managing Your Security and Workforce  
Event, Chicago, IL, April 6, 2022

Cyber Threat Actors Have their Eyes on the Construction Industry  
Event, Amundsen Davis, Webcast, November 16, 2021

Cyber Security  
Wisconsin Association of Mutual Insurance Companies, Leadership Retreat; Lake Geneva, WI, October 20, 2021

Weathering the Cyber Attack or Data Incident as a Business  
2021 ATA Litigation Center Trucking Legal Forum, Seminar; Washington, DC, July 28, 2021

Short Course: Cybersecurity Legal Considerations for the Insurance Sector  
Wisconsin Association of Mutual Insurance Companies (WAMIC); Stevens Point, Wisconsin, July 13, 2021

Your Employee Asked to Work Remotely Indefinitely (or Short Term): Important Legal Considerations Before You Say Yes  
Event, Amundsen Davis, Webcast, June 23, 2021

A New Era: Prejudgment Interest in Illinois  
Event, Amundsen Davis, Webcast, June 16, 2021

Attention All In-House Lawyers and GCs: Missteps Before Or After A Data Incident Could Land You In Professional Hot Water  
Event, Amundsen Davis, Webcast, June 2, 2021

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments  
Illinois Manufacturers' Association, Webcast, November 5, 2020

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments  
Event, Amundsen Davis, Webcast, October 29, 2020

USLAW Network Virtual Worldwide Retreat: 2021 and Beyond  
USLAW Network, Webcast, September 30, 2020 - October 9, 2020

Data Privacy: Obligations Under the Law and in Practice  
2020 American Trucking Association Litigation Center Trucking Legal Forum, Webcast, July 23, 2020

Cybersecurity  
& Data  
Privacy



Pandemic Cybersecurity Related Issues and the New Normal  
USLAW Network, Inc, Webcast, June 2, 2020

CLE: Breaches and Biometrics – Current Trends in Data Privacy Enforcement and Litigation  
Illinois College of Law and the Law Alumni Board, Seminar; Chicago, IL, February 20, 2020

Managing Data Security and Privacy Risks  
USLAW Network In-House Counsel Forum, Seminar; Minneapolis, MN, October 30, 2019

Fighting Cybercrime and Meeting Your Cyber Security Challenges in 5 Steps  
Seminar; Chicago, IL, October 30, 2019

The State of Cyber Breach Litigation: Murky Water that Continues to Swell  
2019 IBA Security Conference; Carmel, IN 46032, October 2, 2019

Cybersecurity Basics for Under-Resourced Organizations  
CyberSecure My Business Workshop, Seminar; Madison, WI, September 24, 2019

CyberSecure My Business Workshop  
National Cyber Security Alliance; Chicago, IL, May 9, 2019

Electronic Data Storage: How to Protect your Employees' Privacy  
EBANI Meeting, February 27, 2019

2018 Law & Technology Conference  
Speaking Engagement, Milwaukee Bar Association & AIIM Wisconsin; Milwaukee, WI, November 30, 2018

Trying to Put a Finger on Data Privacy Issues: Biometrics -- A Headache for Illinois Companies  
Illinois Chamber of Commerce; Webinar, April 12, 2018

What is Your Legal Exposure When Using Third-Party Cloud Providers  
3rd Annual Financial Services Cybersecurity Conference, Indiana Infragard Members Alliance; Carmel, IN, March 22, 2018

Cybersecurity: Stopping Scammers in Their Tracks!  
Better Business Bureau; Chicago, IL, May 2, 2017

Protecting Data and Your Company: Cybersecurity Update  
Illinois Chamber of Commerce; Webinar, March 2, 2017

The State of Cyber Breach Litigation  
2016 USLAW Network Data Privacy Security Book Camp, Dallas, TX, November 2016

Cybersecurity  
& Data  
Privacy

Protecting Your Data - Challenges & Best Practices  
Illinois Chamber of Commerce, Webinar, July 13, 2016

### Published Works

"Pixels" and "Cookies," Charming Terms for Tracking Technology, Can Lead to Ugly Data Privacy Headaches  
Publication, *USLAW Magazine*, Summer 2023

Top 5 Cyber Security Threats the Manufacturing Industry Should Watch in 2022  
*The Illinois Manufacturer*, February 2, 2022

Congress Has Kicked the Cyber Hornet's Nest  
*Bitcoin Magazine*, August 12, 2021

Coronavirus... Tornadoes... Data Breach... Oh My! Is Your Workplace Prepared for a Pandemic or Other Catastrophe?  
*InTouch Magazine - NAMA*, Spring 2020

A Fast-Moving Train Coming Into the Insurance Company Station? The Cybersecurity Model Rule for Carriers  
*USLAW Magazine*, July 25, 2019

Electronic Logging Devices ("ELD"): Yet Another Avenue for a Cyber Attack?  
*The Transportation Lawyer*, April 2019

Trying to Put a Finger on the New Frontier of Privacy Compliance: Biometric Data  
*Indiana Bankers Association*, December 8, 2017

Guidance for Attorneys in Dealing with Cybersecurity Risks  
*Illinois State Bar Association's Business & Securities Law Forum*, July 2016

### Blog Posts

Genetic Information Discrimination: FAQs for Employers  
*Labor & Employment Law Update*, April 20, 2023

It's Now Official --- A Union Worker's BIPA Claims are Subject to Federal Labor Law Preemption  
*Labor & Employment Law Update*, March 27, 2023

The Hits Keep Coming: Illinois Supreme Court Finds Claims Accrue Upon Each Scan or Transmission Under BIPA  
*Labor & Employment Law Update*, February 17, 2023

Illinois Supreme Court Confirms a 5-Year Statute of Limitations Applies to All BIPA Claims  
*Labor & Employment Law Update*, February 2, 2023

Cybersecurity  
& Data  
Privacy

The California Privacy Rights Act Brings New Data Requirements for Employers in 2023

*Labor & Employment Law Update*, December 7, 2022

Top Five Data Privacy Considerations Before Using Online Hiring Platforms

*Labor & Employment Law Update*, June 9, 2022

It May Become More Difficult for Employers to Legally Protect their Confidential and Proprietary Data

*Labor & Employment Law Update*, January 26, 2022

BIPA's Statute of Limitation and Claims Accrual – Two Anticipated Decisions in State and Federal Courts

*Labor & Employment Law Update*, May 4, 2021

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments

*Labor & Employment Law Update*, October 9, 2020

Biometric Data in the Days of Virtual Interaction and E-Learning

*Labor & Employment Law Update*, April 7, 2020

Facebook Agrees to \$550 Million Settlement in BIPA Class Action

*Labor & Employment Law Update*, February 4, 2020

Minimizing the Risks of GDPR for U.S. Academic Institutions

*Labor & Employment Law Update*, December 10, 2019

Facebook Facing Massive Class Action Trial: Ninth Circuit Rules BIPA Class Action Can Proceed

*Labor & Employment Law Update*, August 12, 2019

Hotel Workers' Claims under the Biometric Information Privacy Act Are Not Subject To Arbitration Clause

*Labor & Employment Law Update*, May 7, 2019

Illinois Supreme Court Rules Actual Damages, Injury or Harm Not Necessary in Biometric Privacy Case

*Labor & Employment Law Update*, January 25, 2019

Illinois Supreme Court to Decide Biometric Privacy Case

*Labor & Employment Law Update*, November 27, 2018

More Technology, More Headaches for Employers

*Labor & Employment Law Update*, June 7, 2018

In 2018, Resolve to Keep Employment Records Secure

*Labor & Employment Law Update*, February 8, 2018

Illinois Employer Faces Class Action for Using Fingerprints to Track Attendance

*Labor & Employment Law Update*, October 5, 2017

While Cyber Space Rules, Does It Also Make Us Liable?  
*Labor & Employment Law Update*, September 5, 2014

Pregnancy? Parental Leave? Social Media? Data Breaches? Your State  
Employment Law Update  
*Labor & Employment Law Update*, June 5, 2014

Facebook, Twitter, Instagram...Oh My! What Wisconsin Employers Need to Know  
Before Requesting Access to an Employee's Social Media Account...  
*Labor & Employment Law Update*, April 17, 2014

Cybersecurity  
& Data  
Privacy