

DATA SECURITY BREACH EXPERTISE

Our Global Privacy and Data Security Practices has been recognized by *Chambers USA*, among others, as a leading practice. We have assisted clients in responding to scores of security breach situations, including breaches involving millions of records containing personal information. We also have successfully defended numerous clients in regulatory investigations into their privacy and security practices, and have broad litigation experience on cases involving privacy, security, and consumer law issues. And, we have represented several clients in pursuing insurance recoveries for claims and losses arising out of security breaches.

Examples of our work include:

- Representing Microsoft in the FTC's groundbreaking investigation and agreement related to Microsoft's Passport Internet authentication service, which was the FTC's first consent agreement under Section 5 of the FTC Act to impose information security commitments related to the protection of personal information.
- Serving as lead regulatory counsel on both federal and state law for a financial service company in connection with a security breach involving the unauthorized disclosure of millions of bank account and credit card numbers. The matter was resolved with the FTC without any enforcement action.
- Counseling several financial institutions on compliance with Gramm-Leach-Bliley and state law requirements in connection with lost data tapes and other security incidents involving customer account information.
- Counseling a major online company in responding to a security incident affecting the credit card information of more than 200,000 customers, including regulatory inquiries. The matter was resolved without any regulatory enforcement action.
- Successfully defending a client in FTC and New York State AG investigations into the security of information exposed by a hack into FTP servers.
- Representing a multi-national pharmaceutical company in responding to a security incident involving the loss of personal information belonging to more than 100,000 employees, and defending against a subsequent investigation by Connecticut state authorities. The matter was resolved without any formal enforcement action.
- Pursuing insurance recoveries for claims and losses arising out of certain of the largest documented security breaches involving millions of consumers. The claims for recovery included expenses from class actions suits brought by both consumers and financial institutions, and involved the pursuit of multiple lines of insurance coverage, including cyber-risk, general liability, first-party property, D&O, and crime policies.
- Representing Wells Fargo Bank in several putative consumer class actions brought under California's Unfair Competition Law (Section 17200) challenging the bank's disclosures and other practices.

If you have any questions concerning the material discussed, please contact the following members of our Global Privacy & Data Security practice:

David Fagan
Mark Plotkin
Kurt Wimmer

202.662.5291
202.662.5656
202.662.5278

dfagan@cov.com
mplotkin@cov.com
kwimmer@cov.com