

Privacy & CP Group Of The Year: Covington & Burling

By **Megan Stride**

Law360, Chicago (January 16, 2013, 7:00 PM ET) -- Covington & Burling LLP's privacy and data protection practice group secured a victory for LinkedIn Corp. last year by scoring the dismissal of a putative class action that accused the online networking site of transmitting user IDs to third parties, work that helped land the firm a spot among Law360's Privacy Practice Groups of the Year.

A California federal court granted LinkedIn's dismissal bid in that case in November 2011, finding that the plaintiff, who claimed the company sent usernames as part of a URL referrer header, had failed to coherently allege how his personal information was disclosed and how that disclosure had harmed him. The ruling rejected the plaintiff's theories that he had suffered emotional and economic injuries.

LinkedIn soon faced an amended complaint, and in July 2012 the court granted Covington's second motion to dismiss the case, this time with prejudice.

In addition to that recent win for LinkedIn, there's plenty more ongoing and behind-the-scenes work from Covington's global privacy and data security practice given its focus on advisory services, according to Kurt Wimmer, the U.S. chair of the group.

"I often tell people that we've handled the largest data breaches you've never heard of," Wimmer said.

Covington has about 40 lawyers working in its privacy and data security group, which has its largest presence in the firm's Washington and Brussels offices thanks to the huge impact those two policy-setting cities have on the practice area, according to Wimmer, who is based in the U.S. capital himself.

The group also has lawyers in New York, San Francisco, London and Beijing, and it's looking to add privacy and data protection services to the outpost Covington recently opened in Seoul, the U.S. group chair said.

Wimmer added that he does see the group growing in size in the future, a move Henriette Tielemans, the Brussels-based co-chair of the group, agreed is needed as more and more countries put privacy laws in place.

Tielemans said that Covington clients served by the firm's Brussels office in particular have been helped by the fact that many of the privacy laws coming out of Asian and South American countries are based on the European Union's own privacy directive, which allows the firm to get up to speed quickly on scenarios that may arise from those new laws.

"There's no learning curve here, because we know what the underlying principles are," she said.

One major matter for the Covington group in the past year has been its work advising Abbott Laboratories on the privacy regulatory aspects of the spinoff of its research-based pharmaceutical business.

The group's London team helped to put the privacy agreements in place, which addressed issues about handling clinical trial data, among other topics, according to Tielemans.

Wimmer added that the spinoff work is still ongoing, given the number of countries in which the company works around the world.

Covington also works as the World Anti-Doping Agency's external legal counsel for privacy, and it has also represented the agency in litigation in European courts, including several cases challenging the validity of anti-doping practices, according to the firm.

WADA appointed Covington to serve on its expert committee this past fall, involving it in the process of revising the agency's international sports privacy standard and the World Anti-Doping Code, according to the firm, which is counseling the agency in policy matters as well.

Specifically, Covington has been assisting WADA in connection with EU legislative reform efforts that deal with the EU data protection framework and could carry significant effects for the world of organized sports, the firm said.

Other key clients for the group include Microsoft Corp., for which it serves as primary privacy counsel advising on matters in the U.S. and EU such as the integration of its recently acquired Skype service, as well as Viacom Inc. and the Entertainment Software Association. Covington represents those two companies in connection with the Federal Trade Commission's revision of its children's privacy rules, according to the firm.

Covington advises Facebook Inc. on several data security and privacy issues as well, the law firm said.

When asked to explain the group's success, both Wimmer and Tielemans credit the firm's relationships with its clients. The work Covington performs for companies in other legal areas allows its lawyers to be familiar with the way their businesses work, and to ask the right questions and find the right answers when it comes to issues of data protection and privacy, according to Tielemans.

"You can only provide good and practical privacy advice if you actually understand what these companies are doing," she said.

--Editing by Jeremy Barker.

All Content © 2003-2013, Portfolio Media, Inc.

