

Articles + Publications | September 23, 2020

Data Breaches, Leaked Documents and the Attorney-Client Privilege: Can the Bell Really Be Unrung?

Cybersecurity Law Report

WRITTEN BY

[Theodore P. Augustinos](#) | [Donald E. Frechette](#)

Hartford Office Managing Partner [Ted Augustinos](#), Co-Leader of Locke Lord's Privacy and Cybersecurity Practice Group, and Hartford Partner [Donald Frechette](#) co-authored an article for Cybersecurity Law Report discussing the legal issues that arise when a data breach or information leak includes information and materials protected by attorney-client privilege. The authors explain the circumstances that could lead to such a situation and court decisions that have set a precedent concerning this type of information. They outline best practices to protect clients' sensitive information, including establishing, updating and documenting safeguards, minimizing data collection and retention, providing security awareness training and responding promptly to incidents.

"Taking reasonable steps to protect data will both mitigate the risk that attorney-client privileged information is compromised, and help establish that the "reasonable precautions" standard ... has been met to protect the attorney-client privilege following a compromise of privileged information," they write.

To read the full article, [click here](#) (*subscription may be required*).

RELATED INDUSTRIES + PRACTICES

- [Data + Privacy](#)
- [Privacy + Cyber](#)