

Articles + Publications | July 19, 2021

Facts Matter—TransUnion’s Impact on Privacy, Cybersecurity Litigation

Bloomberg Law Insights

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Locke Lord’s **Molly McGinnis Stine**, **Tara Trifon** and **Lindsey Kress** co-authored a Bloomberg Law Insights article outlining the impact of the U.S. Supreme Court’s decision in *TransUnion v. Ramirez* on future privacy and cybersecurity claims. The authors expect plaintiffs in data breach cases will increasingly turn to state courts for relief, they write.

The ruling has significant implications for standing, building on the Supreme Court’s earlier ruling in *Spokeo*. “*TransUnion* holds that only plaintiffs concretely harmed by a defendant’s statutory violation have standing to pursue a claim in federal court. Those ‘concrete’ harms can be tangible or intangible, but they cannot be purely statutory in nature,” the authors write.

However, they note, “It is unclear whether the court’s decision will mean that data breach plaintiffs do not have standing unless and until they become, for example, the victim of identity theft, or whether the door has been left sufficiently open for a plaintiff to succeed by satisfying the increased risk of future harm analysis.”

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