

Privacy & Cybersecurity Newsletter

Locke Lord's Privacy & Cybersecurity Newsletter provides topical snapshots of recent developments in the fast-changing world of privacy, data protection and cyber risk management. For further information on any of the subjects covered in the newsletter, please contact one of the members of our privacy and cybersecurity team.

In This Issue

The Disgorgement Hammer: The FTC and Equitable Remedies

The Federal Trade Commission (FTC) has increasingly turned to equitable remedies in cases involving alleged violations of privacy and data security laws, particularly for companies using artificial intelligence (AI) platforms. [read more](#)

The Intangible Concrete Injury: A 2024 Update of Post-*TransUnion* Decisions on ?Standing for Data Breach Class Actions

Jurisprudence on Article III standing requires a plaintiff to demonstrate an injury in fact, which must be both (1) concrete and (2) actual **or** imminent. For a plaintiff seeking redress in a data breach case, sufficiently pleading and proving the "injury in fact" standing requirement often proved elusive. [read more](#)

Is AI Eavesdropping on You??

Consumer-facing artificial intelligence ("AI") tools are quickly becoming the target of wiretapping class actions, particularly in California where the state's wiretapping law provides for statutory damages and has been interpreted broadly by the courts. [read more](#)

Stronger Privacy Protections and Enforcement Still High on the Agenda in California

As we near the end of 2024, we consider a recent new round of California bills amending the California Consumer Protection Act ("CCPA") and new laws concerning AI. This activity provides an opportunity to both reflect on the trends in California privacy law from a legislative and enforcement perspective and possibly draw some conclusions on the direction privacy law in California will take in the next year. [read more](#)

New Year, New One-To-One TCPA Consent Requirements for Telemarketers

Last December the Federal Communications Commission (FCC) adopted new rules aimed at closing the "lead generator loophole" in the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. See Second Report and Order. The new rules requiring one-to-one consent from consumers go into effect on January 27, 2025. [read more](#)

Practical Approaches to the CCPA

The California Consumer Privacy Act of 2018 (as amended, including by the California Privacy Rights Act, the "CCPA") was drafted by a privacy rights activist, initially passed and later amended multiple times by the California legislature, and ultimately amended by referendum. It shows. [read more](#)

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