Articles + Publications | December 7, 2023

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

attention. The swift action required by victim companies includes containment and elimination of the threat, and quick and thorough analysis to determine required notifications to state and Federal agencies, affected individuals, and other third parties. Notice requirements vary by jurisdiction, as does the level of regulatory oversight. The need for companies to strengthen their incident response plans is highlighted by the recent increase in the volume, severity and complexity of incidents, and changes in the legal, regulatory and litigation environment. Good preparation will reduce the time and increase the effectiveness of breach response and help mitigate the related cost and potential exposure. read more

Litigation

More Safe Harbor Protections for Navigating Cyber and Privacy Litigation
Cybersecurity and data privacy risks continue to loom large with potentially significant consequences. Litigation, often filed soon after incidents, adds to the possible repercussions. In our previous article, we discussed a trio of states providing affirmative defenses or "safe harbors" that companies can take advantage of to minimize litigation exposure resulting from a data breach. Three other states have recently followed, with Oklahoma, Iowa, and Tennessee recently passing their own "safe harbor" laws. read more

Beware Common Website Technology Tools That Can Lead to Wiretap Claims
Knowing how consumers behave while on a website can provide businesses with valuable information. Frequently businesses employ "session replay" tools to analyze what users do on their website. "Session replay" is software embedded in a website that allows companies to improve the effectiveness of a website. Use of this technology has been challenged in a number of class action lawsuits filed over the past few years. Another group of lawsuits allege that some companies are unlawfully embedding code in their chat features that allows a third-party service provider to create and retain a real time transcript of chats with consumers. read more

Visit Locke Lord's **Privacy & Cybersecurity Resource Center** for topical, practical snapshots of recent developments in the fast-changing world of privacy, data protection and cyber risk management.

RELATED INDUSTRIES + PRACTICES

- Privacy + Cyber