



## || Cybersecurity and Data Privacy

Cybersecurity and data protection are issues of increasing concern for corporations, financial institutions, health care and other organizations. Regulatory noncompliance, financial and operational disruption, and legal and reputational damage are all real and growing risks for organizations that store and manage key data on networks that can be compromised by cybercriminals.

Despite the fact that all organizations, regardless of size, are at risk of a cyber-attack, few have prevention measures in place, or have planned for how they would respond in the event of an attack. Foster Swift helps clients prevent a data breach, and mitigate the damage when one has already occurred.

We also help clients understand and comply with the myriad state and federal statutes and regulations that implicate IT and cybersecurity issues, including Health Insurance Portability and Accountability Act (HIPAA), the Gramm-Leach-Bliley Act, the Fair and Accurate Credit Transactions Act (FACTA), the Telephone Consumer Protection Act (TCPA), CAN-SPAM, the Electronic Communications Privacy Act (ECPA), the Children's Online Privacy Protection Act, the Fair Credit Reporting Act (FCRA), the Federal Trade Commission Act, Sarbanes-Oxley, and states' breach notification laws, to name a few.

The members of our cybersecurity team have extensive experience counseling and advising clients in all aspects of cybersecurity and data protection. Because cybersecurity is a complex issue that requires an interdisciplinary approach, we team with outside information technology experts in connection with both prevention and breach response issues.

### **PREPARATION, PREVENTION AND RESPONSE**

We help clients put in place multi-dimensional procedures and best practices to prevent cyber-attacks.

- **Planning** - We help companies develop or improve data security practices in order to lower the risk of a data breach and to prepare the company to respond if a breach occurs.

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### **ATTORNEYS**

#### **Shareholder**

Joel C. Farrar

Taylor A. Gast

Julie LaVille Hamlet

Mark T. Koerner

#### **Associate**

Amanda J. Dernovshek

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### **RELATED PRACTICES**

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Technology Law

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- **Training** - A company's workforce is the frontline of cybersecurity. Many "phishing" and malware attacks target a company's employees, so we work with clients to ensure that employees are trained and informed about important cybersecurity issues.
- **Audits** - We help clients conduct privacy and security assessments in order to minimize the risk of a breach and to position the company to respond if a breach occurs.
- **Policies** - The best defense against a data breach is an informed and unified workforce. We help clients implement policies that require employees, as well as outside vendors, to use best practices to safeguard data and systems.
- **IT** - We have relationships, and work closely with, a team of sophisticated IT specialists and consultants in order to help clients assess and make adjustments to critical IT infrastructure.
- **Insurance** - We help clients understand whether there are any gaps in their cyber insurance coverage, and help those without cyber coverage analyze new products and negotiate cyber insurance policy placements.

While preparation is the best defense against a data breach, incidents happen - even to the best prepared companies. We have experience advising companies in responding to breaches. Working with IT experts, we help companies identify the source and scope of a breach, and assess their legal and regulatory responsibilities, including managing notifications required to various constituents and government agencies.

## **PUBLICATIONS & ALERTS**

Will Recent Alabama Ruling Stay Implementation of the Corporate Transparency Act?, *Foster Swift Business & Tax Law News*, March 5, 2024

The AI revolution: A look back at 2023 and the future of AI in the law, *Michigan Bar Journal: February 2024 Edition*, February 11, 2024

Business Update: How will the CTA affect your business?, *Business & Tax Law News E-blast*, January 16, 2024

2023 Year-End Checklist for Businesses, *Foster Swift Business & Tax Law News*, November 17, 2023

Year End Budgeting and Housekeeping Best Practices for Businesses, *Foster Swift Business & Tax Law News*, October 27, 2022

2021 Year-End Checklist for Businesses, *Foster Swift Business & Tax Law News*, October 24, 2021

Municipalities Held Hostage: Addressing the Rise of Ransomware, *The Review (Michigan Municipal League)*, January 7, 2020

Tax Return Scam Alert: Updates for 2018, *Foster Swift Business & Corporate Law News E-Blast*, February 22, 2018

It's Not 'If', It's 'When', *Greater Lansing Business Monthly*, August 8, 2017

Including IT in your Agribusiness Strategic Planning Efforts, *Foster Swift Agricultural Law News*, January 30, 2017



## NEWS

Small Business Month: Foster Swift Highlights Importance of Planning with Legal Resource Advisors, *Globe Newswire*, May 9, 2024

Foster Swift Selects Gast as Business Practice Co-Leader, *Ingham County Legal News*, February 23, 2024

Insurance Awareness Day: Foster Swift Highlights Importance of Reviewing Your Coverages, *Yahoo! News*, June 28, 2022

Foster Swift Elects Four Shareholders, January 10, 2022

New Rising Star Listing in Super Lawyers 2021, *Michigan Super Lawyers*, August 13, 2021

Virtual Event: Minimizing Cybersecurity Risks for Remote Working, *Foster Swift Business & Tax Law News*, December 1, 2020

Mashni Named SBM ACES Chair, *Foster Swift Business & Tax Law News*, February 4, 2020

Gast Quoted on Cybersecurity Hacks in Election Campaigns, *Corp! Magazine*, January 23, 2020

Firm Launches Cybersecurity Hotline, October 1, 2019

Foster Swift Elects New Shareholders, *Lansing Regional Chamber*, January 21, 2019

4 Greater Lansing hacks already, who's next?, *Lansing State Journal*, July 13, 2017

## EVENTS

2024 AI Predictions and Legal Strategies for Women Leaders, *Legal Strategies for Women Leaders*, June 4, 2024

What AI Legal Issues Can Impact Your Business?, *Second Wednesday Sessions*, March 13, 2024

Ask Me Anything: AI Legal Insights, *Startup Grind*, May 17, 2023

The Future of Business & A.I., *Lansing Regional Chamber Policy & Regulatory Education Series*, April 4, 2023

Bringing 2022 to a Close with Best Practices for Businesses, *Foster Swift Second Wednesday Lunch Break*, December 14, 2022

An Overview of GDPR Training, *Michigan Economic Development Corporation (MEDC) Fall 2022 Virtual ExporTech™ Program*, December 8, 2022

Data Privacy: Shifting Focus From Preventing to Preparing, *Foster Swift 2nd Wednesday Morning Break*, October 13, 2021

Avoid the Virtual Traps of the Rapidly Changing Tech Law Landscape, *MICPA Learning Showcase*, June 15, 2021

Minimizing Cybersecurity Risks for Remote Working, *Foster Swift*, December 10, 2020

Preparing for Havoc: Data Breaches, *MICPA: CPE Mega Conference*, October 22, 2019

Data Privacy and Breach Response, *Michigan Municipal League 2019 Convention*, September 27, 2019

You've Been Breached! An Interactive Incident Response Simulation, *Presented by SIKICH*, March 19, 2019

Technology and Cybersecurity Legal Trends., *ASK/Michigan Business Network*, November 20, 2018



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Developments in Data Privacy Laws, *Capital Area IT Council*, 2018

Cyber-Security: It's Not If, It's When, October 4, 2017

Cyber-Security: It's Not If, It's When, May 3, 2017