

Overview

US Privacy Law



In today's data-driven economy, safeguarding personal information is central to business operations. Skadden's Cybersecurity and Data Privacy Practice assists clients in adopting and reinforcing robust U.S. privacy strategies that aim to minimize risk and foster innovation, drawing on our extensive data privacy experience, regulatory insight and relationships, technological fluency and a business-oriented approach. We help companies navigate the complex U.S. regulatory environment, implement effective compliance programs, manage regulatory notifications, respond to government inquiries, resolve disputes and capitalize on transactional opportunities.

Navigating US Privacy Law

Our team delivers a full range of services across a complicated patchwork of U.S. privacy regulations. Federal laws — including GLBA, FCRA, HIPAA, COPPA, CAN-SPAM and TCPA — govern sectors, such as health care, financial services and consumer reporting, or impose specific requirements on children's data or SMS marketing. States, such as California, Virginia, Colorado and Connecticut, have enacted comprehensive laws with overlapping but diverging obligations for processing residents' personal data, alongside rules for biometric and health information. Federal and state electronic surveillance laws add further layers of oversight.

Overview

US Privacy Law (continued)



Why Skadden

- **Practical compliance across regions:** We build scalable, forward-thinking privacy programs that address both federal mandates and the unique requirements of state laws.
- **Holistic, business-driven services:** Combining legal, technical and operational experience, we provide end-to-end support across the full range of U.S. privacy law issues, including compliance, regulatory representation, dispute resolution and transactional matters.
- **Deep regulatory insight:** Our experience working with federal and state regulators, coupled with our understanding of enforcement trends, helps position our clients to effectively navigate regulatory obligations and government scrutiny with confidence.

Relevant Experience

- **Regulatory compliance assessment and program development:** We create and implement multijurisdictional compliance programs tailored to each client's risk profile, covering sector- and data-specific federal statutes, CCPA and other state laws, biometric and health privacy requirements and electronic surveillance regulations.
- **Comprehensive regulatory compliance guidance:** Beyond program development, we handle policy and procedure development — including for emerging technologies like artificial intelligence — data mapping and inventory, risk assessments, tracking technology compliance, data processing agreements, cross-border data transfers, data monetization and employee training.
- **Regulatory enforcement defense and incident response:** We represent companies in investigations and enforcement actions by authorities, such as state attorneys general, the FTC, HHS and CPPA, in connection with data security incidents and alleged privacy violations. Our team also manages regulatory notifications, conducts privacy audits, leads internal investigations and supports responses to whistleblower reports.
- **Litigation and dispute resolution:** Skadden has deep experience handling significant data breach and privacy disputes, including consumer class actions, mass arbitrations, contractual disputes and shareholder derivative actions.
- **Transaction support and integration:** We advise on privacy considerations throughout mergers, acquisitions and other corporate transactions, conducting due diligence, drafting and negotiating agreements, overseeing the transfer and integration of data assets and aligning privacy programs post-acquisition.