

Data Strategy & Security



Introduction

Data has become one of companies' most valuable assets and greatest risks.

The global flow of information creates constantly changing challenges: How do companies acquire, store, protect, use and share data to keep up with the competition, while reducing their legal and reputational risks?

Companies need an experienced and creative partner to work closely with them to formulate and achieve their overall data strategy, whether they are

- Ensuring that they meet their regulatory and contractual obligations to protect data,
- Evaluating the data-related risks and benefits of an acquisition,
- Facing scrutiny over their cybersecurity or privacy policies and practices,
- Responding to investigations or litigation relating to a data breach, or
- Developing an artificial intelligence or big data program.

Ranked as a leading firm for Privacy and Data Security.

“They have longstanding advisers who know how to represent corporations and boards, but are also highly integrated with government experience and meaningful relationships.”

— *Chambers USA*, 2019-2020

Ranked as a leading firm for Cyber Law and Data Privacy & Data Protection.

“Debevoise & Plimpton ‘brings great professionalism, expertise and work ethic’ to its compliance and incident response expertise, and ‘takes great pride in understanding clients and creating and tailoring advice to their specific needs.’”

— *The Legal 500 US*, 2018-2019

Data Strategy & Security Services

The Debevoise Data Strategy & Security (DSS) practice is global and interdisciplinary—combining our cybersecurity, privacy, business continuity, artificial intelligence, M&A diligence and data governance practices into one fully integrated and coordinated group.

Together, we advise leading companies on responding to cybersecurity events, including regulatory inquiries and civil litigation. We also advise our clients on their overall data strategy, including how to protect and optimize the data that they maintain on premises, with vendors and in the cloud.

Our strategic advice includes both legal and technical assistance with the data issues that arise in M&A diligence, licensing and vendor contracting.

In addition, we help our clients determine what data they should delete or not collect because of cybersecurity, privacy or other risks.

Our integrated strategic advice on data includes:

- Helping clients across the globe prepare for, and respond to, significant data breaches and related investigations and litigation. In addition to our U.S. offices, we serve clients from offices strategically located in the United Kingdom, France, Germany, Russia, China, Hong Kong, and Japan. We also regularly work on matters that involve a wide range of other non-U.S. jurisdictions, including the EU and EEA, Japan, Singapore, Brazil, Canada, Colombia and Argentina, to name a few.
- Identifying existing and proposed laws and standards in the United States and around the world that will impact our clients' use of data, including regulations and guidance relating to cybersecurity, privacy, AI, data minimization, records retention, document discovery and data governance.

Because we lead responses to cyber incidents of all sizes and types globally, and on a continuous basis, we are able to channel that deep experience into helping all of our clients improve their preparations, including by assessing their plans, processes, resources, and ability to respond quickly and effectively to a major cyber breach, operational disruption or other significant data or technology event.



A FULL RANGE OF DATA GOVERNANCE, PROTECTION AND PRIVACY SERVICES, INCLUDING CYBER INCIDENT RESPONSE AND MANAGING AI RISK

Our experience and our services cover the full spectrum of cyber threats and broader technology risks, including cloud providers, insiders, suppliers, and other vendors, business counterparties and competitors, technology outages and other business continuity events, criminal hacking groups and national security threats.

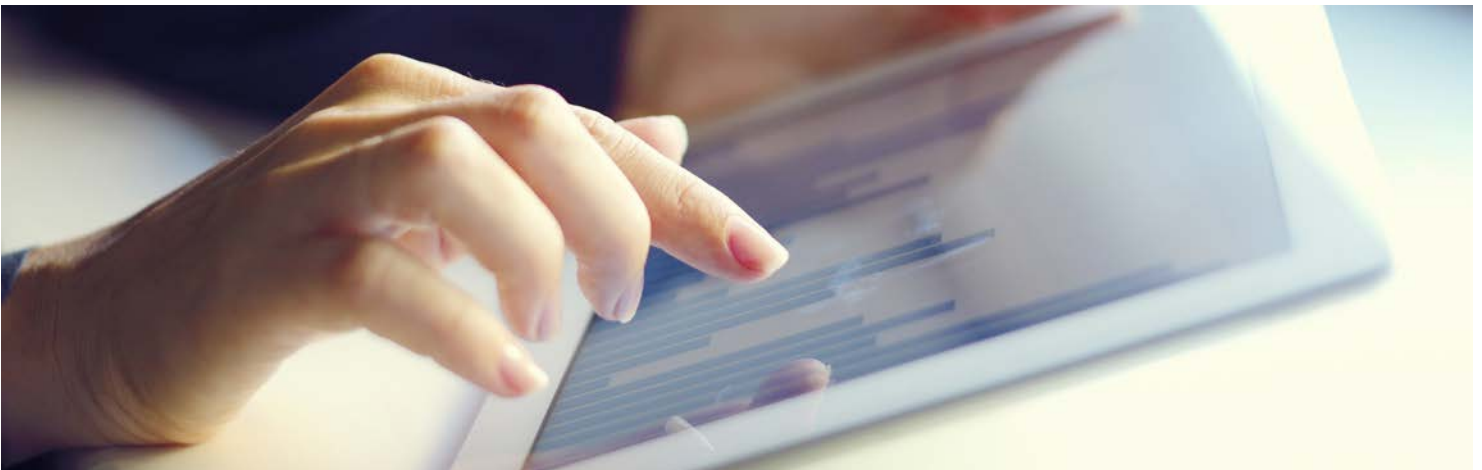
- **360° Incident Response Services.** Debevoise helps clients navigate cyber incidents with the full range of needed services, including immediate crisis management, internal and external communications, fact investigation, breach notification, regulator and law enforcement liaison, civil regulatory investigations, defense of class action and derivative litigation and attention to the needs of the board and C-Suite.
- **Engaging with Law Enforcement in the U.S. and Globally.** We are able to leverage our worldwide network of law enforcement contacts in the event of an incident. Our team includes several former federal cybercrime prosecutors, including the former leader of the Justice Department's Criminal Division, the former leader of the Department's response to national security cyber threats, and two former Assistant U.S. Attorneys who brought landmark cyber cases in the country's federal courts.
- **Review/Refresh Data Policies and Governance.** We can provide an assessment of the company's policies and procedures for the protection and handling of consumer and employee personal data, with particular attention to mitigation of legal, business and reputational risks.

“They’re trusted advisers. Their responsiveness is fantastic and I’m always able to touch base.”

— *Chambers USA*, 2020

- **Cyber-, Privacy- and AI-Risk Assessment.** In today’s dynamic regulatory environment, managing risks at the intersection of law and technology means measuring data protection and data optimization strategies against existing laws and regulations, as well as anticipated changes in the legal and threat environments. We review companies’ cybersecurity, privacy and AI programs and assess them against existing and emerging legal standards. Our work ranges from leading a full legal and technical risk assessment of various data programs, typically performed in tandem with a technical vendor, to a targeted review of areas known to attract regulatory and enforcement focus.
- **Board/Executive Briefings and Training.** We regularly report to boards and company executives on the latest threats their companies face relating to data in order to help them assess risk, allocate resources, maintain appropriate insurance, prevent avoidable losses and discharge their oversight obligations. We also provide training on cybersecurity, privacy and AI risks to new executives and board members, as well as anyone wishing to learn more about their responsibilities in these areas.
- **Mock Data Events and Tabletop Exercises.** We routinely help our clients prepare for cybersecurity and business continuity events by conducting real-world drills of actual data events for various functions within the organization including Legal, Compliance, IT, Risk, Communications, Executive Management and the Board. These Tabletop exercises, which regulators increasingly expect companies to conduct, allow our clients to test their incident response plans and see how their organization works through emergency data events, including ransomware attacks that shut down operations, insider data theft, state-sponsored hacking of sensitive commercial information, leaking of large volumes of customer or employee personal information and compromise of a critical vendor’s information systems.
- **Vendor Risk Review.** In many data breaches, the attack vector initially goes through a vendor that has access to a company’s network. We can look quickly at significant vendor agreements, and at the policies and procedures for administering vendor relationships, and advise on how they might be updated to mitigate cyber/privacy risk.

- **M&A Due Diligence.** Cyber risks are increasingly prominent in M&A due diligence and in the post-acquisition integration process. We often lead cyber, privacy and AI diligence investigations around the world, including advising on policies and procedures for due diligence and for integration generally, as well as on risks and issues raised by specific actual or potential acquisitions and investments.
- **Insurance.** Companies increasingly are concluding that cyber- and privacy-specific insurance policies are essential. Our team has significant experience working inside the insurance industry and can review existing policies to assess coverages and exclusions.



REAL-WORLD EXPERIENCE

Our services are based on experience in the trenches of many of the country's landmark cyber and privacy incidents (including many non-public incidents). Our lawyers have deep technical knowledge that allows them to translate complex technical findings into legal and business decision points. This has enabled us to provide a pragmatic approach to identifying and coordinating the key elements of effective incident response and overall data strategy.

Before joining Debevoise, partner Luke Dembosky served as Deputy Assistant Attorney General for National Security, managing the Justice Department's work on all national security cyber incidents, including the cyber attack on Sony Pictures and the landmark breaches of Target, The Home Depot, Anthem and the U.S. Office of Personnel Management, among many others. At Debevoise, Luke co-chairs the cyber and privacy practice, acting for the firm's clients on high-profile and high-stakes global and U.S. breach matters.



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Jeremy Feigelson, a litigation partner, is Co-Chair of the firm's Cybersecurity & Data Privacy practice and is a member of the firm's Intellectual Property and Media Group. He frequently represents clients in litigations and government investigations that involve the Internet and new technologies. His practice includes litigation and counseling on cybersecurity, data privacy, trademark, false advertising, copyright, and defamation matters. Mr. Feigelson has a broad and active practice in financial services matters, including securities litigation, investment management disputes and counseling of fund boards, the conduct of internal reviews, defense of government investigations, and complex commercial litigation.



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Jeffrey Cunard, managing partner of the Washington, D.C. office, leads the firm's corporate intellectual property, information technology and e-commerce practices. He has broad experience in transactions, including software and technology licenses, joint ventures, mergers and acquisitions, and outsourcing arrangements. Mr. Cunard's practice also encompasses copyright litigation.



Luke Dembosky

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Luke Dembosky co-chairs the firm's global Cyber and Data Privacy Practice. He advises companies on managing cyber risks, responding to cyber incidents, and handling related internal investigations and litigation. He is ranked among the top privacy and data security attorneys in the country by *Chambers* and as an industry leader by *The Legal 500 US*. Mr. Dembosky was named by the *National Law Journal* to its list of "Cyber Security Trailblazers" and by *Cybersecurity Docket* to its "Incident Response 30" – the 30 "best and brightest data breach response lawyers." Prior to joining Debevoise, he served as Deputy Assistant Attorney General for National Security as part of a 14-year career at the Justice Department specializing in cyber investigations and prosecutions.



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Avi Gesser is a member of the firm's Cybersecurity & Data Privacy Group and the White Collar & Regulatory Defense Group. He has extensive experience advising on a wide range of cybersecurity matters, incident response issues, data strategy concerns and complex commercial litigation. Mr. Gesser has represented international financial services firms, private equity firms, hedge funds and media organizations, among others, throughout full cybersecurity incident cycles, from breaches to regulation compliance to civil litigation, and advised boards and executives on critical data liability issues.



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Lisa Zornberg is a member of Debevoise & Plimpton's White Collar & Regulatory Defense Group, where her practice focuses on white collar defense, regulatory enforcement actions and internal investigations – including cyber investigations – for corporations and financial institutions, as well as complex civil litigation. Prior to joining Debevoise in 2019, Ms. Zornberg was Chief of the Criminal Division of the United States Attorney's office in the Southern District of New York where she oversaw all criminal investigations and prosecutions, including of cybercrime, terrorism and national security offenses, fraud, public corruption, money laundering and violent crime.



Jim Pastore

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Jim Pastore is a litigation partner and a member of the firm's Cybersecurity & Data Privacy practice and Intellectual Property Litigation Group. His practice focuses on privacy and cybersecurity issues. Mr. Pastore is recognized by *Chambers USA* and *The Legal 500 US* for his cybersecurity work, and was included in *Benchmark Litigation's* Under 40 Hot List which recognizes attorneys under 40 with outstanding career accomplishments. Mr. Pastore has also twice been named to *Cybersecurity Docket's* "Incident Response 30," a list of the best and brightest data breach response attorneys. Prior to rejoining Debevoise in 2014, Mr. Pastore served for five years as an Assistant United States Attorney in the Southern District of New York where he spent most of his time as a prosecutor with the Complex Frauds Unit and Computer Hacking and Intellectual Property Section.

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David Sarratt is a partner in the firm's Litigation Department. He is an experienced trial lawyer whose practice focuses on white collar criminal defense, internal investigations and complex civil litigation. Prior to joining the firm, Mr. Sarratt served as an Assistant United States Attorney in the Eastern District of New York from 2010 to 2014.

**Maura Kathleen Monaghan**

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Maura Kathleen Monaghan is a member of the firm's Litigation Department whose practice focuses on a wide range of complex commercial litigation, including regulatory and civil litigation matters involving data breaches. Ms. Monaghan is recognized as a "Litigation Star" by *Benchmark Litigation* and as one of the "Top 250 Women in Litigation" in the *IFLR Benchmark Litigation Guide*.

**Christopher S. Ford**

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Christopher S. Ford is an associate in the Litigation Department who is a member of the firm's Intellectual Property Litigation group and Cybersecurity & Data Privacy practice. His practice focuses on trademark, cybersecurity, and data privacy issues. His cybersecurity and data privacy practice includes advising clients on incident preparation and response, as well as related criminal and civil litigation and regulatory investigations. His recent matters include managing responses to corporate data breaches, ransomware incidents, and other data security issues, as well as assisting a wide range of the firm's clients in managing their cybersecurity and related supply chain risks.

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Bruce Yannett is Deputy Presiding Partner of the firm and Chair of the White Collar & Regulatory Defense Practice Group. He focuses on white collar criminal defense, regulatory enforcement and internal investigations. He represents a broad range of companies, financial institutions and their executives in matters involving securities fraud, accounting fraud, foreign bribery, cybersecurity, insider trading, and money laundering. He has extensive experience representing corporations and individuals outside the United States in responding to inquiries and investigations. Mr. Yannett's practice also encompasses complex litigation, including derivative cases, shareholder actions and commercial disputes.

**Stephanie Cipolla**

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Stephanie M. Cipolla joined Debevoise in 2016 and is an associate in the Litigation Department. Her work is focused in the firm's Cybersecurity & Data Privacy and White Collar & Regulatory Defense practices. Ms. Cipolla's cybersecurity work includes assisting in developing and testing tailored incident response plans for private equity firms and other entities, and advising on data protection and regulatory issues. She received her J.D. *cum laude* from St. John's University School of Law and a B.A. *cum laude* from The University of Pennsylvania.

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Jane Shvets is a partner who splits her time between our London and New York offices, and who plays a leading role in our Cybersecurity & Data Privacy and White Collar practices. Ms. Shvets has significant expertise in global compliance advice, with a particular emphasis on EU data protection and data transfer issues and managing cross-border data flows associated with complex multinational litigation and investigations as well as foreign corrupt practices legislation. She is the co-author of multiple publications on implications for cross-border data flows of Brexit, the upcoming General Data Protection Regulation (GDPR), the EU-U.S. Privacy Shield, and other developments in the law. Ms. Shvets is a native Russian speaker and is proficient in Ukrainian.



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Karolos Seeger is a partner in the firm's White Collar & Regulatory Defense Group and International Dispute Resolution Group, based in the London office. His practice focuses on white collar crime and internal investigations, in particular regarding compliance with corrupt practices legislation, conducting compliance assessments and creating and implementing appropriate compliance programs and procedures. He also focuses on cybersecurity and European data protection matters, as well as complex litigation and international arbitration. Mr. Seeger is a Solicitor-Advocate (Higher Rights of Audience). He is admitted to practice law in England and Wales (2000) and is an accredited Mediator with ADR Chambers. He is fluent in German and Greek and speaks French.



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Ceri Chave is a member of our Cybersecurity & Data Privacy practice, as well as the firm's White Collar & Regulatory Defense Group. She advises on anti-corruption investigations, and has acted on several investigations by the UK and U.S. authorities into suspected corporate corruption. Ms. Chave is also a member of the firm's International Dispute Resolution Group and has experience acting on high-value, complex and multi-jurisdictional commercial litigation and arbitration matters.



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Robert Maddox is a member of our Cybersecurity & Data Privacy practice as well as our White Collar & Regulatory Defense and International Dispute Resolution Groups. His practice focuses on complex multi-jurisdictional investigations, disputes and cybersecurity matters. Prior to entering private practice, Robert interned on the defense team of Thomas Lubanga Dyilo, the first individual to stand trial before the International Criminal Court in The Hague. Robert advises clients on cybersecurity and data protection issues in the EU, including financial services reporting obligations. He publishes and speaks on these topics frequently. Robert's recent articles have been featured in *Strategic Risk* and *Global Reinsurance* and his views on the incoming EU General Data Protection Regulation were featured by *The Deal*.



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Christopher Garrett is a member of our Corporate Group who has significant experience advising companies on all aspects of employment law and data protection law, including handling privacy and data protection issues on a wide range of matters, with a particular emphasis on issues relating to employees. He regularly advises on data protection compliance issues, including cross-border transfers of personal data and data protection issues arising on corporate investigations. He also has a wide range of experience advising on other matters, including the employment aspects of M&A transactions, boardroom disputes, senior executive contracts and terminations, disciplinary and grievance matters, a variety of employment tribunal claims (including high-value discrimination claims), advising employers faced with industrial action, consultation on changes to occupational pension schemes, and policy and handbook reviews.

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Antoine Kirry is a partner based in the Paris office and a member of the firm's Litigation Group. He has represented defendants in some of the most publicized insider trading cases brought before the French financial market regulator and the French criminal courts. Mr. Kirry also has broad experience in advising French and international clients with respect to acquisitions and dispositions in France and has advised clients on several of the most significant transactions of the past few years involving both publicly and privately held companies. Mr. Kirry is a member of Association Française des Avocats Conseils d'Entreprise, and also of the Swiss Arbitration Association.



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Fanny Gauthier is a member of our International Dispute Resolution Group, as well as the firm's Cybersecurity & Data Privacy practice. Based in our Paris office, her practice focuses on complex domestic and international litigation. Prior to joining the firm last year, Ms. Gauthier trained as an intern in a Paris-based boutique firm specializing in arbitration and in the London office of a leading international law firm. She also interned with the Presidency of the French Supreme Court for civil and commercial matters, and in the financial law team of the Caisse des Dépôts et Consignations, a major public investment group. Ms. Gauthier is a native French speaker, fluent in English and proficient in Spanish.

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Dr. Thomas Schürle is admitted to practice both in Germany and the United States and currently serves as the Managing Partner of the Frankfurt office. He works on cross-border transactions and advises on corporate governance matters, including litigation, and he is active in the firm's Cybersecurity & Data Privacy practice.

Dr. Schürle began his career as an administrative and antitrust lawyer, focusing on litigation. For over 30 years, he has been active in financing, capital markets, and M&A, relating to the biotech, IT and high-tech industries, and he has led several international corporate defense cases and related investigations. Dr. Schürle has significant expertise in global compliance advice relating to White Collar crime issues as well as compliance with regulatory requirements for industrial and banking clients. Over nearly two decades, he has assisted European clients in managing cross-border data transfer issues associated with complex multinational litigation and corporate defense cases, in particular relating to the United States. Dr. Schürle also served as a supervisory board member of several companies. His publications range from corporate governance and defense practice problems to specific corporate communication issues under data protection constraints.



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Dr. Fritz Popp is a member of our Litigation Group who focuses on arbitration, litigation, internal investigations, corporate law and anti-money laundering matters. Dr. Popp regularly advises on German, Austrian and European data protection, including the upcoming European General Data Protection Regulation, and on cybersecurity. In addition, he is experienced in Mergers & Acquisitions, private equity, banking and capital markets and has published various articles on banking law. Dr. Popp is also a lecturer at the Notarial Academy of the Austrian Chamber of Civil Law Notaries. He is a native German speaker and fluent in English.

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Alan Kartashkin is a partner based in the Moscow office whose practice focuses on M&A, securities and corporate finance. Mr. Kartashkin advises boards of directors and special committees of independent directors of leading Russian companies on corporate governance issues. He has led some of the largest public M&A transactions in Russia, including the mergers of Uralkali with Silvinit and RTS with MICEX. Mr. Kartashkin joined the firm's New York office in 1996 and moved to the Moscow office in 2001. He is a member of the New York State Bar and is admitted to practice law in Russia.

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Anna Maximenko is an international counsel in the Moscow office. She is the Head of the Russian Regulatory Practice and is also an active member of our Cybersecurity & Data Privacy practice. Ms. Maximenko advises clients on matters related to antitrust, data protection, contentious and non-contentious employment, including benefits and compensation, and regulatory matters, as well as mergers and acquisitions and general corporate advice in heavily regulated industries. She also has experience advising clients on the protection and cross-border transfer of personal data and banking secrets; the safekeeping and processing of personal data and the transfer of banking secrecy data; cross-border data transfer in connection with internal anticorruption investigations and cross-border data transfer and related policies and procedures. Ms. Maximenko is admitted to practice law in Russia and is fluent in Russian and English.

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Mark Johnson is a partner in the firm's Hong Kong office and a member of the International Dispute Resolution Group. His practice focuses on white collar/regulatory defense matters as well as commercial litigation in Hong Kong and across Asia. Mr. Johnson joined Debevoise in March 2015. Prior to joining the firm, he was a partner at a leading international firm in Hong Kong, where he oversaw the opening of the firm's disputes practices in Singapore, Jakarta, Bangkok, Beijing, Seoul, Shanghai and Tokyo.



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Ralph Sellar is an associate in the firm's International Dispute Resolution Group and the Cybersecurity & Data Privacy practice. He is an English-qualified litigation and regulatory defence lawyer based in Hong Kong, and has extensive experience in banking and insolvency litigation, with a particular focus on derivatives disputes. Mr. Sellar has also spoken frequently about cybersecurity issues in the Asia region and has advised financial institutions on implementing cybersecurity measures and response plans.

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Philip Rohlik is a member of the firm's Litigation Group and leads our dispute resolution team in Shanghai. His practice focuses on international investigations, securities law and dispute resolution. It has included representation of U.S. and multinational companies in complex litigation and investigations, with a particular focus on Asia, including regularly counseling clients on relevant data protection and networks securities regulations in China. Mr. Rohlik also regularly advises corporate clients on regulatory issues arising in the course of their business around the globe or in connection with M&A transactions. Mr. Rohlik is admitted to practice law in New York and the United States District Court for the Southern District of New York, and is a solicitor admitted to appear before the High Court of Hong Kong.

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